

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, March 17th, 2011

7:00 p.m.

Huntsville Town Hall

Present: Mayor James A. Truett
Council Member Max Ferre'
Council Member Richard Sorensen
Clerk/Recorder, Gail Ahlstrom
Legal Council Jerald Engstrom

Excused: Council Member Alan Clapperton
Council Member Steve Johnson

Citizens:

| | | |
|----------------|-------------------------|--------------------|
| Ron Gault | Sandy Hunter | Doug Allen |
| Jack Davis | Darwin L. Sorensen, USU | Thomas Reuben, USU |
| Shanna Francis | Cole Schlack | Shawn Durrant |
| Gabe Durrant | Holden Froerer | Bryce Froerer |
| Richard Bay | Diane Nelson | Karen Klein |
| Kirk Lankford | Sgt. Ryon Hadley | |

Mayor Truett called the meeting to order and welcomed all the visitors. There is a quorum present tonight.

The pledge was led by Holden Froerer.

Opening Ceremony was led by Gabe Durrant.

Public Comments:

Kevin Brown updated the council on the Sewer Feasibility Study. They will be holding a public meeting on April 20th @ 7:00 p.m. at the Ogden Valley Library to go over the findings of the wastewater study. This meeting has been noticed in the local newspaper and on the county and town websites for public review.

Motion to adjourn the Regular Council Meeting to hold Public Hearings:

CM Ferre' made a motion to adjourn the regular council meeting to hold the public hearings. CM Sorensen seconded. All votes aye. Motion passed.

ROLL:

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|----------------|-------------------------|--------------------|
| Ron Gault | Sandy Hunter | Doug Allen |
| Jack Davis | Darwin L. Sorensen, USU | Thomas Reuben, USU |
| Shanna Francis | Cole Schlack | Shawn Durrant |
| Gabe Durrant | Holden Froerer | Bryce Froerer |
| Richard Bay | Diane Nelson | Karen Klein |
| Kirk Lankford | Sgt. Ryon Hadley | |

Public Hearing on updated Huntsville Town Annexation Policy Plan: (See Attachment #1)

Ron Gault presented the updated Huntsville Town Annexation Policy Plan. The plan meets the State requirements. It starts off with a vision statement which mirrors what is in the Town's General Plan. Section 2, details the criteria for future annexations, which follows the State requirements. Section 3, gives a description of the current status of the town, including the physical descriptions and land use within Town boundaries. It covers roads, zoning, landfill, and the cemetery.

There is a brief description of all community services: transportation, public safety and public utilities. Section 4, is the Annexation Proclamation, which includes a map showing boundaries of the town. The current boundary map shows the Town's maximum ability to provide culinary water which was determined by elevation. The Town will not annex land higher than elevation would allow. There is also a shaded map which identifies areas immediately surrounding the town. There have been discussions with these property owners about the possibility of annexation. Ron clarified that property being annexed into the Town will not automatically receive secondary water from the Huntsville Secondary Waterworks Corp.

Mayor Truett showed the map of the highlighted areas, which are properties that have been and will be considered for annexation. As far as the council knows, none of these property owners currently have plans for development, except for the river bottoms south of town. Mr. Engstrom stated that annexation doesn't automatically mean the property will be re-zoned. Mayor Truett commented that properties will be annexed into the town under their current zoning, except for the RE-20 zones, which the town does not have. Mayor Truett thanked Ron for the outstanding job he did in preparing this document.

Public Hearing on updated Huntsville Town General Plan:

Ron Gault introduced the updated Huntsville Town General Plan from 2002. Obviously in the past 9 years there have been a lot of changes in the town. Information on annexations and the idea of what the town has in mind for the future needed updating. There is a vision statement which mirrors what is in the Annexation Policy. There are four general objectives in the plan. One: manage land use planning, Two: manage natural resources, Three: increase community involvement, and Four: optimize the quality of public facilities and services. Section 3, is a physical description which is similar to the Annexation Policies with a little more detail. The plan includes a zoning map with the current zoning. There is a description of the environment, describing types of soils, climate, sensitive lands, wet lands, and flood plains. Section 4, is the commissions approach to meeting general plan objectives. Ron reviewed the Transfer Development Rights (TDR's) and Cluster Housing ordinances, which were just adopted; these two zones are allowed in an AV-3 zone only. Cluster Housing allows for bonus plans similar to what Weber County has. Any property owner being annexed into the town would have the same opportunities as they would with the county. The town ordinances allow for Transfer Development rights. There is a map of the town that has highlighted areas, which the town is currently interested in annexing. It lists the types of uses the town thinks would be appropriate in those areas. This plan also mentions that the school has been demolished; and part of the town's vision is to find an appropriate use of that property.

Mr. Engstrom asked if there needs to be a statement clarifying who will pay the costs of extending culinary water lines to these additional properties. Ron stated that this is mentioned in the town's ordinances already. This could be a huge cost factor for the town. Ron will make that addition in section 4.1. Mayor Truett thanked Ron for all the work he has put into these documents.

Motion to close Public Hearing and re-convene to the Regular Council Meeting:

CM Ferre' made a motion to close the public hearings and re-convene to the regular council meeting. CM Sorensen seconded. All votes aye. Motion passed.

Darwin Sorensen: Additional Collection Well for testing ground water: (See Attach. #2)

Darwin Sorensen introduced Thomas Reuben, a PHD candidate at USU, and turned the time over to him. Thomas had a power point presentation for the council. Last year Thomas asked the council's permission to place a ground water collection well in town; he is here tonight to request permission to place an additional well in town. Thomas reported the findings of the shallow unconfined aquifer ground water study of the Ogden Valley, to the council. In a prior 1994 TMDL study of Pineview Reservoir it indicated that there was a need for further ground and surface water studies. The objectives for Thomas' study is to verify and update the Ogden Valley Pineview Reservoir report from 1994, evaluate ground water transport of nitrogen and phosphorus, and estimate export rates of nitrogen and phosphorus via ground water from sub-watersheds. There were 7 wells constructed last year. Thomas stated that the well in Huntsville is 19 feet deep; the deepest well is 45 feet. Darwin commented that the wells are on the top of the clay layer of the soil, they do not penetrate through the clay layer. The water quality monitoring is for phosphorus, nitrogen, temperature, etc.

Based on last year's study, they determined the well cap elevations, tested hydraulic properties of the aquifer, and calculated flows using the Darcy equation. Findings from well 4 in Huntsville and well 5, by Trapper's Loop, averaged high concentrations of phosphorous, 220-280 micrograms per liter, where the other wells averaged 8 micrograms of phosphorous per liter. Total dissolved phosphorus found in wells 4 and 5 averaged 320- 360 phosphorous per liter. The other wells averaged 80 micrograms per liter. All the averages are higher than the estimated amounts in the 1994 TMDL study. The nitrate nitrogen well in Huntsville averaged 4.0 micrograms per liter, which was the second highest measurement out of all the wells. The TMDL study showed the ground water flow at 20,000 acre feet, the recent study shows the ground water is contributing 72,000 acre feet into the reservoir. In terms of nitrate nitrogen, TMDL showed 32,000 kilograms of nitrogen going into the reservoir, where the current study showed 282,000 kilograms of nitrogen. Ron asked why the disparages are so great. Thomas explained that the data they used in the TMDL study was very sparse. Darwin explained that TMDL stands for Total Maximum Daily Load, an estimate made of what the total loads within certain parameter would need to be to prevent further degradation of the water quality, particularly in reference to the water quality for a cold water fishery. An increase in algae is a serious issue. The limiting nutrient for algae production in a reservoir is phosphorous. Darwin stated that these findings were surprising to them. That is why they are here tonight. The Huntsville well has higher concentrations of phosphorous and nitrogen than the other wells.

Thomas summarized that ground water significantly contributes nutrients to the reservoir, current flow and load estimates are much higher than estimates from the TMDL study, and there is need for more monitoring wells in order to validate well 4 findings. Thomas is suggesting placing another well at 200 S. and 6800 E. by the Forest Service access gate. Mayor Truett cautioned them to be careful with the placement; this is a highly used area with lots of car and foot traffic. The principle reason they are here is because they are concerned about the readings they are getting at well 4 in Huntsville, the concentrations are high. Concentration is important, but the ground water flow rate is also high. The water flow is close to the South Fork alluvium. There are very open geologic materials here such as sand and gravel, the potential for ground water to move through this is high.

Darwin mentioned they don't anticipate seeing much of a change in this new location. There is very little information available about how the geologic material in this area is distributed. They need to have some idea if the values in the Huntsville well can be reproduced, or if it be drastically different. Having only one testing well is scientifically unsatisfying.

Nutrients going into the reservoir from this sector exceeds all the other wells combined, and they are concerned about that. They are also approaching UDOT to place another well on Spring Creek, which is within the same sector. CM Ferre' asked how long the wells are good for testing. Darwin said until they are removed or destroyed somehow. They are hoping to install these two new wells in the next 30 days and have data within about 60 days. Thomas thanked the council for their time. Mayor Truett suggested having Thomas and Darwin work with CM Ferre' with the placement of this well.

Shanna Francis: Ogden Valley Land Trust Presentation: (See Attachment #3)

Shanna thanked the council for letting her share information about the Ogden Valley Land Trust. The Ogden Valley Land Trust is a 501-C3 non-profit organization set up to accept conservation easements that are part of a TDR program. Shanna introduced Cole Schlack and Kirk Lankford, who sit on the board. She turned the time over to Kirk Lankford for the presentation.

Kirk shared a video presentation explaining land trusts. They have a website, ogdenvalleylandtrust.org. One of the primary goals of the Ogden Valley General Plan is to preserve the rural atmosphere of the Ogden Valley. A conservation easement through a land conservation organization is one of the best ways to protect property for the next generation. To protect open space it is critical to have a land trust organization that can help land owners preserve their land. There are economical benefits to conservation easements: you can receive tax benefits in terms of income tax deductions, and estate tax benefits. Land trusts can work with the community to raise funds to pay for the value of the conservation easement. In the end the land owner continues to use the land as they always have, and pass the land onto the next generation. Visionary people are thinking about open space preservation as part of their developments. It's important to be able to plan for and provide open spaces, so even if there is density, it can feel like there is open space around us. The Ogden Valley is worthy of preservation and holding onto for the next generation.

Kirk summarized that The Ogden Valley Land Trust was established in 1998 by local group of residents to preserve and protect open space within the valley. Currently, the trust holds conservation easements of nearly 6,000 acres. The trust acts as a steward in perpetuity. It holds many different types of easements to fit individual conservation objectives, financial needs, and desires of landowners and heirs. OVLТ coordinates and works in partnership with other organizations, public and private, that are also interested in preserving and protecting open space. They are dedicated to working with the public, community planners, businesses and elected officials.

Ron asked if there were a large parcel of 80 acres, which was zoned AV-3 and it was put in a conservation trust, does that block the municipality from re-zoning the property. Kirk replied that the conservation easement could be written a lot of different ways. Once the property is put in a conservation easement it stays in perpetuity, it doesn't matter what the zoning is. All easements are all recorded with the county recorder as public record, as well as with the OVLТ, or a similar organization. Citizens want to make sure there is an impartial group of people making sure easements are enforced as written.

Each year they are required to do field observations on the easements that they hold, making sure there are no encroachments. The land trust does not own the land, but could have property donated to them.

CM Sorensen asked if there was a 75 acre parcel that was going to be annexed into the town, with an AV3 zoning which would allow for 25 homes, one home per three acre lot, would it behoove the town and the property owners to place the remaining 50 acres into a land trust. Kirk answered yes, definitely, you would want to put a conservation easement on the property for perpetuity. The 25 homes would likely be clustered; the other 50 acres would be open space. A conservation easement would guarantee that the open space would remain such forever, maintaining the rural feel of the valley. If a conservation easement was not placed on the property in twenty years a new council could rezone the whole community and change the vision of the town.

Many times property with conservation easements on them are worth more. Ron asked how this differs from a TDR. Kirk replied that they have worked hard to encourage any bonus density development to put their open space in a conservation easement. There is a stipulation in the county's Resort Zones that requires the transferring property to put a conservation easement on the land which prevents the land from being sold with more TDR's again. CM Sorensen asked when the town is negotiating with a property owner or developer for density, what the benefits of a conservation easement would be to the property owners. Kirk replied there would be tax savings, a more desirable development, and a marketing tool for a developer. Kirk left brochures for the council to review.

Jack Davis asked about property in the green belt. Green belt designation keeps taxes down. Kirk answered the valuation of the property is still based the same, taxes are low because of green belt designation. When you sell the property, you have to pay five years of roll back taxes at market value, plus capital gains tax, plus pay the realtor. By the time you are done paying all the fees there isn't much left. If the conservation easement is on the property, you can still have green belt designation, but the valuation would be based on restricted entitlement with the property. If heirs inherit the property their taxes usually will be diminished. Mayor Truett thanked Kirk for the presentation.

***Mayor Truett:**

Discussion and/or action on Thomas Rueben request for an additional ground well: (USU):

CM Ferre' made a motion to allow Thomas Rueben and Darwin Sorensen from USU to drill an additional ground water well in town. CM Sorensen seconded. All votes aye. Motion passed.

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| Roll Call: | Mayor Truett | <u>Yea</u> | CM Ferre' | <u>Yea</u> |
| | CM Sorensen | <u>Yea</u> | CM Johnson | <u>Excused</u> |
| | CM Clapperton | <u>Excused</u> | | |

Discussion and/or action on updated Annexation Policy Plan:

CM Sorensen made a motion to adopt the updated Annexation Policy Plan, as presented. CM Ferre' seconded. All votes aye. Motion passed.

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| Roll Call: | Mayor Truett | <u>Yea</u> | CM Ferre' | <u>Yea</u> |
| | CM Sorensen | <u>Yea</u> | CM Johnson | <u>Excused</u> |
| | CM Clapperton | <u>Excused</u> | | |

Discussion and/or action on updated Huntsville Town General Plan:

CM Ferre' made a motion to adopt the updated Huntsville Town General Plan as amended to include information on the Ogden Valley Land Trust. CM Sorensen seconded. All votes aye. Motion passed.

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|-------------------|---------------|----------------|------------|----------------|
| Roll Call: | Mayor Truett | <u>Yea</u> | CM Ferre' | <u>Yea</u> |
| | CM Sorensen | <u>Yea</u> | CM Johnson | <u>Excused</u> |
| | CM Clapperton | <u>Excused</u> | | |

Discussion and/or action on contract with Waterworks Engineering:

Mr. Engstrom said he reviewed the contract. Waterworks Engineering understands that until a grant is procured no work will take place. There will need to be a start agreement **CM Ferre' made a motion to authorize Mayor Truett to sign the contract with Waterworks Engineering firm for work relative to the water treatment plant.** CM Sorensen seconded. All votes aye. Motion passed.

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| Roll Call: | Mayor Truett | <u>Yea</u> | CM Ferre' | <u>Yea</u> |
| | CM Sorensen | <u>Yea</u> | CM Johnson | <u>Excused</u> |
| | CM Clapperton | <u>Excused</u> | | |

Council Member Resignation Letter: (See Attachment # 4)

Mayor Truett reported that CM Johnson wrote a letter of resignation for his council seat effective April 15th, 2011. This will be 8 months short of completing his four-year term. Mayor Truett read from CM Johnson's letter. The position was posted to fill the remaining 8 months of his term. A new council member will be appointed in April.

Discussion and/or action on proposed Resolution to set re-zoning fees: (See Attachment # 5)

Mayor Truett read through the proposed resolution to set re-zoning fees. The re-zone petitioner will pay a re-zone filing fee of \$250 to Huntsville Town and all other fees associated with public notification requirements. The only amendment to the current resolution is that the fee is being raised from \$100 to \$250. **CM Sorensen made a motion to approve the resolution as presented.** CM Ferre' seconded. All votes aye. Motion passed.

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| Roll Call: | Mayor Truett | <u>Yea</u> | CM Ferre' | <u>Yea</u> |
| | CM Sorensen | <u>Yea</u> | CM Johnson | <u>Excused</u> |
| | CM Clapperton | <u>Excused</u> | | |

Department Reports:

Mayor Truett reported that The Tour of Utah will be holding a biking event in the Ogden Valley Wednesday, August 10th. They plan to do 3, 38 mile loops around Ogden and the Ogden Valley, three different times throughout the day. The quality of riders will be equal to the Tour De-France event.

***Council Member Sorensen:**

Department Reports:

CM Sorensen reported that the appeal against the Green Valley Academy was denied after a 3 hour deliberation. W.C. is going to allow the residential treatment facility to be built in Huntsville.

***Council Member Ferre’:**

Discussion and/or action on striping of First Street:

CM Ferre’ reported that he was asked to get bids for the striping of First Street. He got five bids, the highest was \$3,256.00, and the lowest bid was \$2,438.00 however they didn’t include glass beads in the paint. It will cost \$150 more for the glass beads which makes the stripes more reflective. CM Ferre’ feels it’s important to get First Street striped. **CM Ferre’ made a motion to accept the lowest bid from Utah Striping for the striping of First Street.** Mayor Truett asked if the pot holes could be filled as well. CM Ferre’ will look into getting pot holes filled as well. CM Sorensen seconded. All votes aye. Motion passed.

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| Roll Call: | Mayor Truett | <u>Yea</u> | CM Ferre’ | <u>Yea</u> |
| | CM Sorensen | <u>Yea</u> | CM Johnson | <u>Excused</u> |
| | CM Clapperton | <u>Excused</u> | | |

Department Reports: (See Attachment #6)

CM Ferre’ reported that he attended a meeting with the W.C. Animal Shelter. CM Ferre’ brought back a copy of their kennel statistics and financial results from Nov. thru March. The statistics show the number of animals picked up since last November. No cats or chickens will be picked up anymore. There was one cat and one dog which owners asked to have picked up. They picked up four cats, three dogs, and two others, which were probably the two chickens. CM Ferre’ mentioned that he has noticed the dog catcher here in town more than ever before.

CM Ferre’ reported that there has been a problem with a drain box between the church and the dental office. He had the drain cleaned out, they went down 2-3 feet, and it was full of solid mud.

***Council Member Clapperton: (Excused)**

***Council Member Johnson: (Excused)**

Citizens Comments:

There was none.

New Business:

There was none.

Approval of Town Council Minutes for meeting held March 3rd, 2011:

CM Sorensen made a motion to approve the minutes of the Town Council meeting held March 3rd, as prepared. CM Ferre' seconded. Minutes were approved.

Approval of Work Session Minutes for meeting held March 3rd, 2011:

CM Ferre' made a motion to approve the minutes of the Work Session meeting held March 3rd, as prepared. CM Sorensen seconded. Minutes were approved.

Approval of Bills for February 2011:

CM Ferre' made a motion to approve the bills for February, 2011 as prepared. CM Sorensen seconded. All votes aye. Bills were approved.

Mayor Truett mentioned that all items on the agenda have been addressed. CM Ferre' made a motion to adjourn. CM Sorensen seconded. All votes aye.

Meeting adjourned at 9:00 p.m.

Gail Ahlstrom, Clerk/Recorder

James A. Truett, Mayor