

**MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING**

**Thursday, May 5<sup>th</sup>, 2011**

**7:00 p.m.**

**Huntsville Town Hall**

**Present:** Mayor James A. Truett  
Council Member Richard Sorensen  
Council Member Laurie Allen  
Council Member Alan Clapperton  
Treasurer, Ramona Clapperton  
Clerk/Recorder, Gail Ahlstrom  
Legal Council Jerald Engstrom

**Excused:** Council Member Max Ferre’

**Citizens:** JR Johansen                      Red Erickson                      Lt Phil Howell  
Sgt. Ryon Hadley                      John Pierotti                      Ron Gault  
Lewis Johnson                      Suzanne Ferre’

Mayor Truett called the meeting to order and welcomed all the visitors. There is a quorum present tonight, with CM Ferre’ excused.

The pledge was led by JR Johansen.

Public Comments:

There was none.

Preliminary Budget: (See Attachment #1)

Ramona presented a preliminary budget to the council for their review. Ramona and Mayor Truett decided to stick with the same numbers as last year’s budget. Ramona commended the council; they have done a good job keeping expenses under budget. Ramona would like to hold a work session to go through the budget more thoroughly. Mayor Truett asked the council members to list their upcoming projects with cost estimates and bring them to the work session. **CM Clapperton made a motion to hold a work session on the budget at 6:00 p.m. on June 2<sup>nd</sup>.** CM Sorensen seconded. All votes aye. Motion passed.

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

**CM Clapperton made a motion to set a date to hold a public hearing on the preliminary budget for June 16<sup>th</sup>.** CM Allen seconded. All votes aye. Motion passed. Mayor Truett would like the council to bring a list of projects and costs associated with that. Mayor Truett thanked Ramona for all her hard work on preparing the budget.

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

**\*Mayor Truett:**

Discussion and/or action on US Post Office Resolution: (See Attachment #2)

Mayor Truett mentioned that there have been some rumblings about the US Postal Service changing things, there is a possibility of smaller or rural post offices being consolidated or closed. Mayor Truett read from the proposed resolution in support of the Huntsville Town Post Offices. **Mayor Truett made a motion to adopt the resolution in support of US Post Offices in Huntsville Town as presented.** CM Clapperton seconded. All votes aye. Motion passed.

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

Discussion on Randy Day property:

Mayor Truett reported that the council and commissioners held a closed work session tonight to discuss what the Town would deem acceptable and not acceptable with the proposed development presented by Randy Day for his river bottoms property. They came up with a list of concerns and questions about his proposal. These will be forwarded to Architect Ray Bertoldi and Randy Day, who will both be invited to attend the Planning Commission meeting on May 26<sup>th</sup>.

Update on Huntsville Justice Court:

Mayor Truett mentioned that he has a meeting tomorrow with Mayor Richie and Chris Davis the City Manager from Roy City. Mayor Truett has been talking to them about having a valley wide justice court. Huntsville Town can't make enough income by itself to justify a J.P. Court, that's why it was dissolved. Roy City facilitates all J.P. Courts for W.C. Mayor Truett told them what we wanted to do, and they have been dragging their feet. The Town had been given permission by the Judicial Court to combine with Uintah. Mayor Richie found out about this and asked for more time to work something out with the Town. Mayor Richie knows what the Town wants. The Town got a call from Chris Davis about a week ago saying we can open court for Huntsville Town only, not the whole valley. Mayor Truett is going to meet with them tomorrow morning to find out what's going on, the Town never wanted a Huntsville only court, it was supposed to be a valley wide court. Mr. Engstrom thought they were on board with the Town. CM Clapperton said there is another issue that has come up. The Town is going to have to hire a public defender. If the Town has to pay a public defender plus a prosecutor it won't be beneficial. Bill Daynes will be the prosecutor and Ramona will serve as the court clerk. Bill Daynes is paid \$75 dollars for every pre-trial he does.

Update on Valley School property:

Mayor Truett reported that on April 20<sup>th</sup> he spoke with Drew Wilson to ask him where they are with their decision on the Town purchasing the school property. This has been such a long process and everyone is getting tired of it. The Town is willing to walk away from the property and control the property with zoning.

Drew said they want to sale the property to the Town; the school board could use money to purchase land somewhere else. Mayor Truett asked Jeff Holt to get in touch with his contact at Zion's Bank, his name is Alan Westercott. Zion's Bank came up with a couple contracts. Mayor Truett will get a copy of the contracts to Mr. Engstrom for review. Scott Anderson was asked to give the Town their best deal. The council needs to be thinking about this. If the school district decides to sale the property, can the Town afford it and how to proceed. Part of the contract needs to specify that there will be no penalty fees for paying the loan off early. Nothing has been finalized on the purchase of the property or the loan.

Department reports:

Mayor Truett asked for a report on opening of Port Ramp and Cemetery Point. Lt. Howell stated that he spoke with American Land and Leisure; they are planning on opening all campgrounds this weekend including both boat ramps. Jefferson Hunt Campground won't open yet, as well as other campgrounds on Monte due to high water.

Sgt. Ryon Hadley reminded everyone that the Ogden Marathon will be held on May 21<sup>st</sup> starting at Red Rock Ranch at 6:00 a.m. it will impact most of the valley for several hours. The canyon will close at 6:00 a.m. to put up the barricades. You can go down the canyon with a shuttle escort only. There will be long delays. Runners will be pulled off the course if they don't make it to spill way by 11:30.

Sgt. Hadley said that Lance Peterson with W.C. Emergency contacted him. They have Hamm radio systems as part of the Homeland Security. They are putting the radios in Town Halls where there are precinct stations; the valley's precinct station is at the Fire Station. The Hamm Radio is available for emergency preparedness and is available to the Town at no cost. Hamm Radios have capabilities to use repeaters on Mt. Ogden and Little Mtn. this would allow the Town to have radio contact in time of emergencies. The radio would be hard mounted here at the Town Hall, or wherever the council would like it. This would be a valuable tool if the valley got cut off from services. Mayor Truett mentioned the Town is getting ready to put together an emergency response team, and having a Hamm Radio would go along with this. Along with this, W.C. will provide operators should there be a disaster. A trained operator will come up and establish a command center. It would be nice to have someone local know how to run it. A small group could be trained on the use of the Hamm Radio. Brett Allen would be great for this. There are rules and regulations that go along with Hamm Radios. CM Allen mentioned that you have to be licensed to use one. **CM Sorensen made a motion to accept the Hamm Radio as offered.** CM Clapperton seconded. All votes aye. Motion passed.

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

**\*Council Member Sorensen:**

Park damage update:

CM Sorensen reported on the park damage that happened when the microburst came through Town. There were four trees that were uprooted and four trees had their tops sheared off. They salvaged eight, 8-foot lengths of trunks, to make benches out of for the park and cemetery.

The microburst happened on Thursday, and on Friday the inmates came up and helped out. They cleaned up at the park and then went around Town to help different residences. On Saturday there was a Town Clean-up where people helped clean up at Ron Gault's, Dee Bell's, Glenn Deem's, the David O' McKay home, and the Park. The inmates are coming up again tomorrow and for a couple more weeks. The Annual Town clean-up scheduled for May 14 will be canceled. CM Sorensen reported on the costs of tree removal, it cost \$1,300 to remove the tree that was leaning on the east pavilion. Norman Knudsen with Tree Crafters was hired to come take that tree down; he also took down another tree on the north end of the park. He did a great job. The storm did a little damage to the east pavilion, a piece of sheeting, fascia, and gable trim will need to be replaced. A couple of stumps were left for seating around the park.

CM Sorensen made a list of items for the inmates to work on, mostly concentrating on the park. The inmates have been absolutely wonderful; they are hard workers and are doing a great job! CM Allen suggested putting something in the newsletter indicating that they are a supervised group doing a great service for the Town.

Discussion and/or action on proposed amendment to resolution to allow the use of Town Tractors at private residences: (See Attachment #3) CM Sorensen mentioned that this resolution passed adopted two years ago. It was passed to encourage residents to keep up their yards, and the town verge. What is being proposed tonight is expanding the resolution to include the rental of the Town's back hoe. There have been a couple of occasions where the back hoe has been used and there haven't been any procedures in writing to allow for this. Mayor Truett read from the proposed resolution. Mayor Truett asked about the last sentence on the resolution "an agreement will be drafted and signed by the resident which removes the liability to the Town for any unforeseen issues such as over spray or damage done to sprinklers" is this too vague. CM Clapperton doesn't think you can hold the Town harmless for any damage a Town employee might do. You can't contract away liability. Gail asked who is allowed to use the backhoe and would they remember to take a waiver with them. CM Sorensen said Lonny Bailey, Wayne Hadley or Cory Thompson. CM Clapperton stated that the reality is you're not really accomplishing anything by drawing up a separate agreement saying after an accident happens we'll think about whose fault it is. CM Clapperton suggested deleting the last sentence of the resolution it doesn't need to be there.

John Pierotti stated that he works for the Department of Public Licensing, and it appears that the Town would be dealing in an area where they are contracting out services without a license. John said it's ok to use Town equipment to voluntarily help people out in emergency situations, but if the Town is hiring services out for a profit, you are entering into an area where you are contracting for services and would need a license. If the Town does work on the verge that would be ok, but if you're putting a tractor out for hire and making money, that's different. John recommended calling the Dept. of Public Licensing and ask them if the Town would be exempt from needing a license. Mr. Engstrom asked if this would be unrelated income that would be taxable to the Town. **CM Allen made a motion to table this resolution.** CM Clapperton seconded. All votes aye. Motion passed.

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

CM Sorensen reported that the old 1997 GMC truck that hasn't run for years. When it was running Lonny Bailey, when digging a grave, would put dirt from the grave site in it and then dump the dirt back into the hole, keeping the grass clean. Cory Thompson has been generous enough to let the town use one of his trucks for the past couple of years. Cory sold this truck and there is nothing for Lonny to put dirt in now. CM Allen was asked to look into this.

Department Reports: (See Attachment #4)

CM Sorensen reported that he attended the GEM committee meeting last night. They are going through the conditional and permitted uses for businesses in the county ordinances. They currently have 350 permitted businesses. They are going through the list and eliminating businesses that have no validity, and getting rid of duplicity. The GEM Committee will make their recommendations to the county planning commissioners.

The GEM Committee is also focusing on a TDR ordinance. The GEM committee is going to pressure the county to get this ordinance adopted. There is a draft TDR ordinance which they have had for a couple of years.

(See Attachment #5) CM Sorensen reported that a few weeks ago he met with Bill White who is a water rights attorney; he has a second home here in Town. The council is trying to figure out exactly how many water rights the Town has. Bill White referred CM Sorensen to Jim Riley who specializes in water rights. CM Sorensen received a letter from him recently. In this letter Jim listed some of the Town's water rights. Just to paraphrase, the Town has approximately 510- acre feet of water, in the last 10 years the most Huntsville has used is 322 acre-feet of water, most of this water comes from the Upper and Lower Bennett Springs. The Town also has 30 acre-feet of water right from a well. Mr. Engstrom thought this well was on Craig Peterson's property, there is also a well right next to the culinary water plant.

Mr. Engstrom wondered why he didn't find water rights for Hawkins Spring. This is public record. Mr. Engstrom mentioned that the thing that was not taken into account is that the Town has a bunch of Weber Basin rights. Before the Town will connect culinary water to any home outside of the Town, the homeowner has to provide the Town with water rights. Monastery Cove subdivision gave the Town 50 water rights. These water rights have different priority dates; some of them were very old. Mr. Engstrom went to Weber Basin today, he wanted to talk to Sherry Mogley, who is an expert on water rights, but she wasn't there. Mr. Engstrom will call Sherry tomorrow. He will try to find out if the Town is providing water to people who have not transferred water rights over to the Town. What should be taking place is that the Town bills the original water right owner for what the Town pays yearly to Weber Basin for each water right. The Town is paying over \$7,000 a year for water rights. Mr. Engstrom stated the fee should be passed on to the original owner as part of their water bill. Right now the Town is paying for the water rights, the yearly water right fees are not being passed on. The 50 water rights from Monastery Cove should be allocated between the home owners in Monastery Cove. This issue needs to be looked into further to see how the Town should handle this going forward. The letter received from Jim Riley appears to be inaccurate, and there needs to be more investigation done.

**\*Council Member Clapperton:**

Department Report:

CM Clapperton mentioned he got three emails today from Dave Carver, in regards to the Big Foot event. Dave is still planning to have the breakfast in the park and was wondering if the Town would be able to level the school property so they could park over there. CM Clapperton informed Dave that the Town doesn't have equipment that could do this, and that the Town doesn't own the property. Dave has started issuing his press releases advertising for the Big Foot Show. CM Clapperton is wondering how successful this event is going to be. The breakfast even with discounts is going to cost about \$15. Huntsville's involvement with the Big Foot Show is with the breakfast only, the rest of the activities will be held at Wolf Mountain.

CM Clapperton reported that Dave Pilkington was hired to be the new culinary water plant operator. Dave lives close to the plant. Dave is ready to get started. CM Clapperton will be the contact between Lewis, Dee and Dave.

**\*Council Member Allen:**

Discussion on temporary grave marker: (See Attachment #6)

CM Allen mentioned that this issue was discussed in the last council meeting. Chuck Wright asked to place an additional grave marker on his mother and brother's graves so he can locate their graves in the winter. CM Allen went to the cemetery and measured the existing Veteran crosses, they are 19 ½ inches across and 35 ½ inches from the ground. The crosses are temporary and can be removed. CM Allen reviewed the cemetery ordinance and it says "not more than one grave marker shall be allowed except for military markers, of which two markers may be allowed as approved." CM Allen called Chuck and the agreement is that he will temporarily put the grave marker in the ground October 24 and remove it in the spring. He is using the marker to locate the graves in the winter. The marker Chuck made is a lot larger than the other crosses.

Discussion and/or action on Veteran's Monument: (See Attachment #7, 8, & 9)

CM Allen reported that she has gathered some information on the accounting for the Veterans Monument. The Town still owes \$13,600.00 on the monument. As she has been talking to people, the feeling was that it will be harder to raise money for a monument that is already placed. CM Allen produced a new flier, and prepared a letter to send out letting people know what is going on with the monument and how much it is going to cost. CM Allen asked JR and Suzanne to report on what they found out with the phone calls they made this week.

CM Allen stated that the Town will be responsible for supplying the base for the monument. A natural stone has been found to serve as the base, but it will need to be relocated. JR Johansen reported that he called John Lowe and he was willing to donate \$5,000 and Jenna Nielsen will donate \$1,000. There is another \$300 promised and JR still has additional people to call. They are going to try to get a list of the buried veteran's and mail letters to family members. Information about the monument also went out in the monthly water bills. The Town has already put in over \$8,000. CM Allen thanked JR and Suzanne for making the phone calls.

Suzanne reported that she contact Jeff and Bonnie Clark from Liberty, they have been very generous with the community, and Suzanne is waiting to hear back from them.

Suzanne contacted John Lund, Bill White, and Gage Froerer. She is hoping to hear back from them as well. JR's contribution is that he will paint a picture of John Lowe and wife in exchange for their generous donation.

CM Sorensen asked about the discrepancy in the amount billed and what has actually been paid. CM Allen explained that the initial bid did not include the saddle and rifle, the final bill with these additions came to \$27,200. CM Allen commended everyone for the work they have done on this project.

Mayor Truett was amazed and thanked JR and Suzanne for their efforts in making the phone calls, it is really helping out. We need to let people know small donations add up and will help. This is a Military Veteran's Monument, not a Huntsville monument; this monument is to honor all Veterans. The sculptor said that if there is a benefactor and they buy another statue, they could donate the first one to the Town and then they could write off the full amount of the statue, it would be tax deductible. Jeff Wolfe would sell an addition statue for \$40,000 if there was a benefactor. CM Allen said we have made some progress tonight, but the Town is running out of time. CM Allen wanted to call this project off; she doesn't want to place a statue that isn't paid for.

Jeff Wolfe needs \$4,000 to meet his foundry bill by the end of May, he is willing to let the Town make payments and he will keep that statue until it is paid for. CM Allen wanted to put an article in the Valley News about the unveiling for Memorial Day, but she is still undecided as to whether to move forward with the project or wait until all the money has been raised. The Town is still short several thousand dollars. Mayor Truett said originally the project was going to be paid for with donations with the help from the Town. It wasn't that the Town was going to purchase a monument. The Town has already donated \$8,375.00 toward the monument. CM Allen said she went through the paper work on this project and the goal was to try to have the monument done by this Memorial Day, it was never advertised that it would be done by Memorial Day. If the council decides to wait until after Memorial Day then letters should be sent out to all the donors letting them know when the unveiling will take place. Nothing is ready as far as the placement of the statue is concerned. Jeff Wolfe will be responsible for delivering the statue. There is also a miniature statue that could be sold for \$1,800 these will only be made if ordered, the mold is ready. There are 250 limited edition 16 X 24 prints that are being sold for \$185. CM Allen will put an article in the Ogden Valley News about the monument stating that the Town is planning to move ahead with the project, but that there is a shortfall of money, and if money isn't raised the monument will not be dedicated this Memorial Day.

#### Discussion and/or action on timer clock for 4<sup>th</sup> of July Fun Run:

CM Allen wanted to discuss the timer for the 4<sup>th</sup> of July Fun Run. She has known Rob and Colleen Burton for a very long time; they took the race over when Brett and Laurie Allen stepped down. Brett and Laurie started the race back when Sterling Wood was Mayor, back when racing wasn't a big thing. They funded the first race out of their own pocket to show that it would be successful. It originally was meant to be a fun family run. CM Allen realizes that the race has grown over the years, but she feels that it doesn't warrant paying \$5,500 for a time clock. Entry fees for the Ogden Marathon, half marathon were \$60 months ago. The Town is only charging \$25 for an entry fee.

Red Erickson agreed that it doesn't make fiscal sense for the Town to incur the cost of a timer at this point. However, the run continues to grow each year and it is a logistical nightmare trying to figure out the finish of the race. That is Colleen's biggest complaint about being in charge of the Fun Run. Renting a timer is also very expensive, and the timers have already been rented out. Red would like to keep track of the proceeds to see how much the Town really makes off the Fun Run. Red said they are in fund raising mode, looking for sponsors and hoping that the Town might come up with some matching funds. Mayor Truett mentioned that maybe the Town could get a RAMP grant that would help with the matching funds.

**\*Council Member Ferre': (Excused)**

Citizens Comments:

Lt. Howell asked if the council had any questions about the proposed Inter-Local Agreement with the Sheriff's Department. Gail received the document last night and gave a copy to Mr. Engstrom for his review.

New Business:

There was none.

Approval of Town Council minutes for meeting held April 21<sup>st</sup>, 2011:

CM Clapperton made a motion to approve the minutes of the Town Council meeting held April 21<sup>st</sup>, as amended. CM Sorensen seconded. Minutes were approved.

Approval of Work Session minutes for meeting held April 21<sup>st</sup>, 2011:

CM Allen made a motion to approve the minutes of the Work Session minutes for meeting held April 21<sup>st</sup>, as prepared. CM Clapperton seconded. Minutes were approved.

Approval of Sewer Feasibility Study Report minutes for meeting held April 20<sup>th</sup>, 2011:

CM Sorensen made a motion to approve the Sewer Feasibility Study Report minutes for meeting held April 20<sup>th</sup>, as amended. CM Allen seconded. Minutes were approved.

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

**Meeting adjourned at 9:00 p.m.**

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Gail Ahlstrom, Clerk/Recorder

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James A. Truett, Mayor