

HATCH TOWN BOARD MEETING

Town Board: Mayor Kevin Eldredge, Tony Dinges, Kurt Sawyer, Melissa Poulsen & Jon Spendlove came at 7:15pm.

Staff: Jacie Torgersen & Kerry Barney

Public: Scot Walter, Raquel Thompson, Dave Barnhurst, Tyler Mackaben, Russ Riggs & Lincoln Poulsen. Deputy Sherriff Wes Syrett also attended the meeting. Ben Neilson came at 7:25pm. Annie Eldredge came at 7:30pm. Guy Thompson came at 8:30pm.

1. Meeting Called to Order

Mayor Eldredge welcomed everyone to the meeting and the meeting began at 7pm with Councilor Sawyer offering an opening prayer and Councilor Eldredge leading those present in the pledge.

2. Approval of Previous July 14, 2021 Minutes

Councilor Sawyer motioned to approve the meeting minutes and Councilor Dinges seconded the motion, the vote was unanimous.

3. Review July Invoices, checks & financial report

Councilor Sawyer motioned to accept the July expenditures and Councilor Dinges seconded the motion, the vote was unanimous.

4. Public Hearings

5. Petitions, Remonstrations and Communications

Mayor Eldredge said that to keep order in the meeting tonight he asked the public to please raise the hand and wait to be called upon before they speak. Each person will be limited to 5 minutes on any one subject.

5.1 Tyler Mackaben – shed on town property

Kerry Barney talked to Kevin Mackaben, who is the owner in the beginning. He did give his word that it would be moved when he spoke to him at that time but everything wasn't spelled out clearly. Tyler Mackaben said that they had another spot planned to put it but that didn't work out and he wasn't aware of all the rules and set back requirements. He suggested that they could make a compromise and choose a date like November 10th and he could have it moved by that time. He would like to move it after the season is over so it won't disrupt his guests. Tyler participated with the community in town clean up and felt like he has been good to work with the town.

A conditional use permit was suggested but Kerry Barney feels like that is the town renting their right of way out for \$100 which is the cost of the permit. Russ Riggs does not feel like the conditional use permit is applicable in this situation. In the town code it is Title 7 Chapter 7 where they are in the violation of the ordinance in placing an obstruction in the street. He feels like the town could get themselves into trouble by renting the town. Scot Walter feels like a precedence may be set here that the town doesn't want to set.

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Tyler Mackaben said their plan was to demolish the old barns a weekend before the opening date but it didn't happen. The shed install date was the next week and he had to come up with somewhere to put the shed. He looked up the commercial standard 10-5-1 and didn't check the right of way numbers. At an operational standpoint where the shed is located is not in a good place for the business. He would like to try and minimize the safety hazard to his guests and move it after they close the 3rd week of October.

Councilor Dinges does not want to do the conditional use permit. The shed should not be located on town property and it needs to be moved to private property. He feels like it needs to be moved and the town should not rent out town property. Councilor Sawyer asked if he had looked at putting it at other locations on his property. Tyler Mackaben said he doesn't want to block the visibility on the property and he wants to do it by the book and do it right this time. A suggestion was made to place it by the laundry building now but Mr. Mackaben said it would cover access to his septic, water and propane so he doesn't want to place it there. Councilor Dinges suggested placing it on the lawn next to the fence. Mr. Mackaben said it is used for linens and they go through 4-5,000 pieces of linen each month so accessibility is very important. Scot Walter feels like there would be a liability to the town to have the shed on town property and underneath Garkane's pole. Mr. Mackaben feels like if the town is going to enforce this issue, then others also need to be asked to move their stuff in the right of way like farm equipment and an RV. Russ Riggs stated that vehicles fall under a different category than structures. Councilor Dinges said the town has discussed some of those vehicles on town property and they do need to be licensed if they are located there.

Tyler Mackaben apologized for placing the shed on the town's property. He thought it was on their own property when it was originally placed. He wasn't sure what the setbacks were from the road. He would like to see the town support the businesses. If the town chooses to enforce regulations on one property owner, they need to enforce it across the board. He could identify at least 4 other properties within the town limits that are not in compliance. He would like to see the town enforce this for all individuals and businesses alike.

Councilor Sawyer suggested giving him two weeks to have it removed. Councilor Dinges motioned to have the linen shed moved by Sept 15th onto private property and Councilor Spendlove seconded the motion. If the building is not moved by that date, then the town will have the sheriff red tag it. The vote on the motion was unanimous.

Mayor Eldredge let Mr. Mackaben know that the town appreciates his businesses and is glad to have him here.

Tyler Mackaben asked for clarification on the right of way. The right of way is 50 feet from the center of the road on either side. The town's code is online and available through American Legal Publishing. When Joe Levine owned the property, he did have it surveyed so there should be a survey marker somewhere close to the fence line. Russ Riggs said the

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buildings are closer to the right of way because they have been there a long time and were grandfathered in. Scot Walter also suggested that he could go look on the recorded survey at the courthouse for his property lines. Dave Barnhurst and Russ Riggs both said that he needs to have a building permit for placing this shed since it is on commercial property. Kerry Barney can do the building permit and sign it, it does not need to come before the town council. The planning & zoning commission just looks to see if the setbacks are met and then the permit is taken to the county.

5.2 Brett Burrows – Revolving Book & Movie Library

Brett Burrows has a lot of books and he would like to make them available to people in town. He has a bookshelf that he would like to bring and put next to the town building and then people could just trade books out of there to read. He also has a lot of movies that he is willing to let people use. The council is worried about who will maintain the books and shelf if it is located here. They suggested that it is a great idea but something that should be done at his own house.

5.3 Garfield Memorial Foundation Donation

Councilor Dinges motioned to give \$250 to the Garfield Memorial Foundation and Councilor Sawyer seconded the motion, the vote was unanimous. Annie Eldredge said if the town wanted to purchase individual tickets for the dinner, they are \$8 each.

5.4 Blackburn Propane Lease

The Blackburn Lease has been signed and returned to the town. The lease will be good for 5 years until May 31, 2026. They will pay the new amount of \$750 a month for their lease.

5.5 September 11th Service Project – Kathy Wolfley

A National Day of Service is being planned in honor of 9/11. Kathy Wolfley contacted the town to see what she can do to help the town in planning a service project. Ben Neilson suggested that the town paint the DUP building. Jacie Torgersen suggested fixing the boxes around the fire hydrants and refilling them with gravel and making sure they are marked. The project will be listed on Just Serve. The town will need to plan & organize it and get the supplies so people can participate in the day of service.

5.6 ARPA First Deposit – how to disperse

The town did get the first disbursement of the ARPA funding. The town will get \$16,806 in total. There is also a grant available to get matching funds from the state to help this money go farther. September 15th is the date that the grant needs to be submitted. Jacie Torgersen said she does not have time to apply for the grant so a council member needs to take it on. Raquel Thompson said she will help if it can go towards sidewalks. She feels like sidewalks are a big need in town. Raquel Thompson suggested doing one block a year for sidewalks with donated labor so the town could just do a little at a time and make some improvements each year. Councilor Sawyer said at the Five County Association meeting they suggested using the money to get a back-up generator for the town. There is a list online of what can be done with the money. Mayor Eldredge suggested getting Kaden Figgins to help with the grant. Ben Neilson also suggested putting a new chain link fence up

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around the park especially on the south side where there is an old wooden fence. Jacie Torgersen will send Raquel Thompson the information to start working on the grant.

5.7 Employee Training Policy – policy book

Jacie Torgersen updated the employee training policy that was already in place. The policy was updated to pay \$75/day as a stipend for attending the training. The state rate for mileage, meals and motel will still be paid. The training needs to be approved by the mayor. The council would also like to add 1 day of travel onto the policy to be paid for attending the training.

6. Ordinances

7. Report of Officers – boards – committees

7.1 Water Department – Water Usage

Well #5 produced 1,242,400 gallons of water for July.

7.1.a Ben Neilson Contract – Interim Water Operator

Ben Neilson will fill in as the interim water operator until the town hires a new one. His water license expires on December 31, 2021 and they can use his license until then. He is going to charge the town \$100 for using his license. The town will need to contract out eh repairs/meters. Councilor Dinges motioned to approve this proposal from Mr. Neilson and Councilor Spendlove 2nd the motion, the vote was unanimous.

There is a notice up that the water operator position is open. It is advertised as open until filled. Some of the responsibilities of the water operator are the well log, water tests, meter readings, state files/reports, repair and maintenance, new connections. He estimates an average month is around 20 hours with no problems. The state license can be earned at the water conference in the spring. It is also something that can be done online if someone wanted to do it that way. The town needs to have a certified water operator. Dan Thornton who is Paungsaugunt Cliffs water operator did call the town and express some interest in the job. He is having surgery soon though and doesn't want to take it on until he is finished with that.

Kerry Barney wants to know how many water rights the town has? How many water connections are available from the town? This makes a big difference to the planning & zoning commission on if they should approve lots splits and zone changes. Jacie Torgersen will look at the studies that have been done to see if she can find a number. Councilor Sawyer really feels like the town needs to be charging an impact fee. The town quit charging one a few years ago because of recent legislation. Raquel Thompson and Scot Walter both suggested that maybe the town could charge a connection fee instead of an impact fee and go about it that way. Councilor Sawyer suggested calling David Church with the ULCT to find out if that is possible. Councilor Sawyer and Russ Riggs both feel that if the town can identify specifically what they are charging the fee for such as a new water tank, then it would be something that could be one. Russ Riggs feels like the reports that the town has had done won't be accurate because the property is shown as agricultural and not residential and would not be planned on in the number of connections projected for the

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town. The municipality can't foresee the future, the land owner has to identify what they are doing with the property.

A question was brought up about subdivisions, if the town has surplus water, then why would they require a subdivider to bring water with them? David Barnhurst suggested checking the water reports filed for the town each year that show the ERC. The problem for the town is the water storage, not the number of water rights now. Councilor Sawyer said he didn't realize that he had to change zones of the property until Kaden Figgins from the county came to the meeting. Councilor Sawyer will need to go through the re-zoning process for the lots that he subdivided. Russ Riggs said any subdivision over 5 lots needs to bring water and this will be the 6th lot that Councilor Sawyer has subdivided. Councilor Sawyer feels like the subdividing of lots is by parcel so each parcel he divides he could do up to 5.

Kaden Figgins is re-writing the town's zoning & subdivision ordinances right now so this will be discussed more after the town reviews the new ordinance.

7.1.b Water Deposit/fee in lieu of

The town currently accepts a credit letter in lieu of the \$250 deposit. Councilor Poulsen suggested changing it for people to pay the first/last months water instead of the letter of credit. There have been a couple instances in the past when the owner moves and the town isn't aware and the new owner doesn't contact the town for a couple months. Scot Walter suggested that the new owner be responsible for the bill. Councilor Spendlove doesn't think that a new owner needs to be responsible for a previous owner's bill. Another suggestion was to keep the water deposit on file until the move and then the difference could be refunded. Jacie Torgersen will ask the other communities on the clerk's list serve. Councilor Sawyer motioned to no longer accept a letter of credit and just require the \$250 deposit. \$100 of the deposit will be refunded back if they move. Councilor Dinges seconded the motion, the vote was unanimous.

7.1.c Fence for well #4

Mayor Eldredge feels like the town needs to put a fence around well #4. David Barnhurst said that the town needs to make sure how much property that have there before putting a fence up. Mayor Eldredge will get a bid for the fence.

Scot Walter had a water request that he would like the town to look into. If an individual come to the town and provides a water right to the town, could they have double the amount of water to use on one bill. Right now, an individual gets 10,000 gallons of water a month with one water connection before paying overages. If an individual had another water right, could they get 20,000 gallons of water each month on that one connection before having to pay the overages. He wanted to know if that is something the town would consider and if the town had the capability to do that. Russ Riggs thinks the problem for the town is going to be the water storage. Paungsaugunt Cliffs has it set up different so they have a maximum amount of water, the town does not. Mr. Walter would like to have this water for outside watering. It is something the town will have to look in to.

7.2 Fire Department-

Lincoln Poulsen said there is a leak in the roof at the fire station in the back room by the pool table. He is planning on having a fire meeting next Thursday. The fire extinguishers were all serviced all last week and he has talked to Dave Dodds to see what the fire department needs to start doing to get their rating back up.

7.3 Road Department-

7.4 Parks & Recreation-

7.5 Grants-

7.5.a CIB Grant

The CIB Grant needs to be applied for by October if the town is planning on doing the retainage pond. Russ Riggs wanted to know why the town applied for funding for the retainage pond instead of the 1st request that was listed on the drainage plan. The 1st request was to resize and replace the culverts and this was \$20,000 less than the 2nd alternative. Why did the town choose the most expensive thing? Councilor Dinges said he know through his work that there is a 5-year policy with the highway that UDOT will not cut into it until then so the culverts couldn't be done for at least 5 years. Councilor Dinges is concerned about the drainage pond because once it is full of water, where does that water go? Would it be worth it to spend that money if it doesn't solve the problem? Russ Riggs suggested that the town think of the maintenance, liability, fencing and lining of the retainage pond. He would recommend doing everything except the 48" culvert under the highway. You could replace all the other streets with culverts and drain boxes. Councilor Dinges agreed.

The drainage pond met all the criteria for CIB for health and safety. This cannot be changed. If the town decides not to do the pond this year they cannot change to the culverts. Once it is on the list there are not changes until the next fiscal year. David Barnhurst feels like if the town has the grant money, they should use it.

Russ Riggs thinks the goal should be to get the culvert out of draining into the McAllister's yard and get rid of all the open ditches and put them in culverts. A suggestion was made to use the other money from the stimulus for culverts instead. The council is wondering how long they would have to spend the money once it is allocated and if it would hurt them in the funding process next time if they don't use it this time. Mayor Eldredge will check with Gary Zabriskie or Nate Wiberg at the Five County Association to see.

7.6 Planning & Zoning Commission

7.6.a Kurt Sawyer Rezoning Application

The lots were approved by the planning & zoning commission on May 10, 2018. The planning & zoning commission just reviewed the application and voted to move forward with it. There is a process that needs to be followed with people in a 500-foot radius being notified of the proposed zone change. This item will be table until all the requirements have been met and the process followed.

7.7 Cemetery

7.7.a Cemetery Committee Member

David Barnhurst is still on the cemetery board. Mayor Eldredge has talked to the county commissioners and they plan on sending him a letter and releasing him as a member of the committee. Raquel Thompson feels that the cemetery board needs to meet and make a recommendation. The recommendation should not come from the town since they are not actually over the cemetery, the cemetery board is. The cemetery board is its own entity and should make those decision not the town even though the mayor is also a member of the cemetery board.

Russ Riggs is wondering if he should finish leveling the road base at the cemetery or if he should wait until someone is authorized to tell him to do so. The town writes the checks that the cemetery board approves. The cemetery board has already approved the parking lot with a maximum amount so he should be fine to go ahead. The cemetery has a meeting scheduled on November 11th which will be the budget meeting for the year. They would like to schedule another one before then.

8. Public Input

9. Unfinished or New Business

10. Adjournment

The next council meeting will be held on Monday September 13th. Councilor Sawyer motioned to adjourn and Councilor Poulsen seconded the motion, the vote was unanimous. The meeting adjourned at 9:45pm.

Jjt