

Elwood Town Council Meeting Jan 11, 2022

The Elwood Town Council met at the Elwood Town Hall, 5235 West 8800 North, Elwood, Utah, at 7:00, Jan 11, 2022. The following members were present consisting of a quorum.

Keenan Nelson	Mayor	Scott Goodliffe	Councilmember
Mike Pace	Councilmember	Mark Lay	Councilmember

Staff present at this meeting

Gina Marble	Town Clerk
Steve Woerner	Public Works

Others present at this meeting

Craig Smith	Amy Hugie	Janet Karren	Taylor Thompson	Troy Thompson
Tyann Thompson	Austin Thompson		Britton Hayden	James Thomas
John Weidman	Henry Thompson		Devere Hansen	Jeff Spenst via Phone

WELCOME

ADMINISTRATION

Pledge of allegiances

Councilmember Pace gave the opening prayer.

Councilmember Lay was via phone.

Mayor Nelson welcomed everyone to the meeting.

Minutes for the Dec 14, 2021 town council meetings were presented for approval.

Councilmember Goodliffe made a motion to approve the minutes for December 14, 2021. Councilmember Pace seconded the motion. The voting was unanimous in favor of the motion.

Item#1 Swearing in the newly elected officials, Gina Marble swore in Keenan Nelson for the Mayor of Elwood and Mike Pace for the Elwood town council. They both are elected for a 4-year term.

Item#2 Audit-Davis and Bott-David Rogers presented the 2021 audit to the council, it's that time of year again where we got to look at the financial statements for Elwood town. What I plan to do tonight is just go over some of the changes, some of the highlight's differences from last year to this year the financial statements present fairly in all respects the respective financial position of the governmental activities, the business-type activities in each major fund of our town as of June 30th, 2021 and everything looks good.

You have some restricted money set aside for impact fees, class roads, debt payments. The charges for services increased from forty thousand last year, up to \$78,000 this year. The main reasons for that are the increases in building permits and their higher cemetery fees during the year, operating grants from one hundred twenty-nine thousand down to eighty-one thousand, part of the reason for that was last year some impacts fees were included under the operating grants.

For the past five years, you know, you've been doing agreed-upon procedures, which is less in scope than an audit because you were over a million dollars in either revenue or expenses, which you were over in both the state requires that you have an audit. So the prior year's numbers, we kind of went back and said, this is what your numbers were last year, so the comparison comes from there. But so last year that would have been included in the impact fees were included in their operating this year and later there in the capital grants and contributions also on capital grants and contributions. Because any time a developer makes improvements either to roads or to water or sewer, and when that development is done, those assets get donated to the town.

And then under the expenses, General Government increased by \$100,000. And that is mostly professional fees, both engineering and legal. I understand you rewrote the ordinance for the code for the subdivisions. And the other reason is that you just started into the Utah retirement systems, so there is a back payment. There is an increase in water and sewer connection fees.

Its independent auditors report on internal control over financial reporting. This is another required communication. And basically, the gist of it is as auditors, we look at your internal controls just to give us an idea of what areas we need to audit we look at them and we understand that and we see what they're doing, but we don't test how effective they are. So we don't provide an opinion on your internal controls, but we do look at them to help us focus on what areas we need to look at. And in all those areas, we didn't find anything that was lacking. So, if you turn over to the very last page of the book there is only one finding. Any questions on anything I covered or other questions that you may have regarding financial type stuff? The Council didn't have any questions and thanked David for his time.

*Councilmember Pace made a motion to approve the audit for June 30, 2021.
Councilmember Goodliffe seconded the motion. The voting was unanimous in favor of the motion.*

Item#3 Ordinance 2022-001 Chapter 11.02 subdivision Producers-Councilmember Goodliffe, Amy Hugie stated that the Planning Commission wanted to streamline the process to

help it move forward. Amy said it was taking up to 3 months for the subdivision process to get done because the town council only meets once a month. Amy stated that if you want to have the town council give the final approval in the subdivision process, we can change it back. The Council would like to have the town council give final approval.

Councilmember Goodliffe made a motion to adopt ordinance 2022-001.

Councilmember Pace seconded the motion. The voting was unanimous in favor of the motion.

Item#4 40-year water plan-Craig Smith, Craig presented the draft water ordinance 2022-002 to the council for review, Craig stated that this ordinance will be repealing the town ordinance 2017-001 and enacting title 12 of the town code. He explained this ordinance will determine the water deduction requirements. Craig stated the next step is to have a public hearing at the planning commission, review it, and recommend it to the council for final approval.

Craig reported that the 40-year plan and this ordinance work together. Craig reported that indoor residential use is .28 acre-feet per ERC and for outdoor secondary or irrigation use, it's 4 acre-feet of diversion and 1.87 acre-feet of depletion after conversion to municipal use per acre of land irrigated.

The commercial, industrial, and other uses, an applicant shall dedicate a water entitlement based on an engineer estimate and the estimate is approved by the town's engineer.

Councilmember Goodliffe stated that in the 40-year plan Jim Flint recommends we use .45, typically a domestic duty value of 400 gallons per day, or about .45 acre-feet/year had been used as a standard for indoor use for an ERC.

Craig stated that was fine what he told you but I'm trying to help you so you don't get sewed when other towns went to court it was expensive and it wasn't going in their favor. The law requires a 2-part test.

Councilmember Pace asked Craig about 12.03.10 B. an applicant who is unable to dedicate water rights or shares satisfactory to the city may request to pay a fee in lieu of dedication of water rights or shares. Craig stated that most cities have that but if you don't want it we can take it out. The council decided to take it out, Craig is going to make the change.

Councilmember Goodliffe asked Craig regarding the commercial property, Craig stated that commercial is hard you could have a lot of different uses, and it's all different. It depends on what they do and how much they will use. Craig stated that he will have the ordinance state that the developer will have to put the water shares in escrow to secure the water shares.

Craig stated that we will have a public hearing in Feb at the planning commission meeting for the 40-year plan and the water ordinance. The 40-year plan and the ordinance will be on your agenda for the next town council meeting.

Councilmember Goodliffe asked the council what their thoughts were on the water shares. Do you want to go with the .28 that's what's on the ordinance or the .45 like the 40-year plan suggests? The council suggested that Craig call Jim Flint at Hansen and associates and talk to them regarding the acre-feet per ERC. Craig agreed to call and make the changes to the ordinance. The council thanked Craig for all his work.

Item#6 Jeff Spenst-Final approval Sunset Vista Subdivision-Jeff Spenst, Jeff was on the phone, Mayor Nelson stated that the planning commission recommended the final subdivision to the town council for approval. Councilmember Pace asked Jeff about the turnaround at the end of the road. Jeff stated that it is a temporary 96-foot turnaround. Councilmember Goodliffe asked if that was going to be paved, Jeff stated no because it was a temporary one, but it will be built to your standards and it will have a good road base, it's what your planner wanted. Jeff stated that the turnaround is just for phase 1. Councilmember Pace stated that the turnaround is not on the final plat map. Jeff stated that it's on the construction plans.

Councilmember Pace made a motion to approve the final plat for the Sunset Vista Subdivision with the 96-foot turnaround. Councilmember Goodliffe seconded the motion. The voting was unanimous in favor of the motion.

Item#7 Jeff Spenst-Final approval minor lot subdivision-Jeff Spenst, Jim Thomas presented the final subdivision. Mayor Nelson stated that this lot is a flag lot and the planning commission recommended it to the town council for final approval.

Councilmember Goodliffe made a motion to approve the final plat for the minor lot subdivision. Councilmember Pace seconded the motion. The voting was unanimous in favor of the motion.

Item#8 Contract with AWA for the bridge project on 8000 north-Councilmember Goodliffe, Mayor Nelson thanked councilmember Goodliffe for all his help getting everything done for the project. Mayor Nelson stated that he signed the contract with AWA for the engineering work on the bridge. Councilmember Goodliffe reported that the bridge will be like the one that Maverik put in.

Councilmember Goodliffe made a motion to approve the contract with AWA for the bridge on 8000 north. Councilmember Pace seconded the motion. The voting was unanimous in favor of the motion.

Item#9 Janet Karren-Neighbor complaint, Janet asked councilmember Goodliffe if he was on the planning commission, Councilmember Goodliffe stated no he was just at the meeting as a citizen. Mayor Nelson stated that Janet told the planning commission that he did not get back to her regarding the neighbor complaint. Mayor Nelson reported that the only time he didn't get back to her was on Thanksgiving Day.

Janet reported that she went to the Planning commission meeting to address the problem she was having with her neighbor, and they told her she was at the wrong meeting. She

stated that after reading the ordinances she is not sure if you will send her back to the planning commission. Janet showed the councilmembers a picture of her front and back yard.

Janet reported that her backyard view is different than the front, all you see is trucks parked in the field. She stated that her neighbor runs a diesel mechanic shop out of his home. Janet stated that she looked over our ordinance and nowhere could she find where you can run a diesel mechanic business out of a residential area. She reported that he runs the trucks all hours of the night and lets them idle for a long period of time. She also stated that he works in his shop and plays his loud music at 1:00 am.

Janet stated that the neighbor's property is two different parcel numbers, one parcel is residential, and the other parcel is agricultural. Janet stated that she read the ordinance and running a business is not permitted for either use. Mayor Nelson stated that he can park trucks in his yard, the only complaint you can have is Taylor doing business in a residential area.

Councilmember Goodliffe asked Janet if the vehicles rotate in and out? It seems to be more like a storage facility. Janet stated she can't say, Taylor met with my husband and told him he was going to start a diesel mechanic business. Janet reported that Taylor parks his trucks right up to the ditch and the ditch is my property. Janet started the ditch is on her property, the property line is not the fence. Councilmember Goodliffe told her if he has encroached on your property let him know. Mayor Nelson thanked her for her time.

Item#10 Taylor Thompson, Taylor introduced himself to the council, Taylor stated that he does home inspections during the day, he stated that he owns the property that Mrs. Karren is referring to. Taylor stated that he doesn't run a diesel mechanic shop, he does work on trucks, but he doesn't make money. He stated that he helps his friends that can't afford to take their vehicles to the shop.

Troy Thompson asked the council if he could speak, Troy stated that Taylor is his son. He told the council that he taught his boys to work hard for what they want in life. He said Taylor works all day for him doing home inspections and helps friends at night and he doesn't get paid for it. He stated that Taylor flips trucks that's what he does, he doesn't make a business out of it. If she is going to complain about this what's next is she going to complain about you running farm equipment in the middle of the night or when the kids ride the dirt bikes in the yard. Where does it end and what is this community about?

Taylor stated that when this all started, she was complaining about the view, if she doesn't like it will plant trees. Amy Hugie asked Taylor what does it mean to flip trucks? Taylor said he fixes them up and sells them. Amy asked how many do you sell in a year? Taylor said he sold 2 in 5 years. Amy asked if the trucks parked in the yard are his? Taylor stated yes, I have titles for them. He said there are 8 trucks on the property and 4 or 5 trucks that belong to friends. Amy stated that she has an issue if you're running a business in a residential area. Amy asked Taylor why hasn't come in and applied for

a business license? Taylor said he has been busy and hasn't had time. Amy informed him if he is doing business in a residential area, he could be cited criminally for doing it without a license. Amy said the next planning commission meeting is on Feb 1, get it filled out and get it on the agenda. Taylor said he would need help filling it out. Amy told him he could come in and a city employee could help him.

Taylor stated that this is not a business it's more of a hobby. Amy stated that the planning commission will decide if it fits under the ordinances, but if you don't apply you can be cited criminally for a nuisance. Amy also stated that you can sell 2 cars per year before you need a license from the state. Taylor asked Amy about the fence for the property line. Amy said the fence is 7 years for it to be considered a boundary line, and you have to file for that but that is a civil issue, not a town.

Amy stated that where you are parking the trucks is not our issue but doing business in a residential area is an issue. Taylor asked Amy if he is working on his trucks in his shed if that was an issue, Amy said no it shouldn't be a problem but it could be an issue if you're doing it late at night, you can't create loud noises after 10:00 pm. Amy said it all depends if your running a business or not. Mayor Nelson thanked him for his time.

Item#11 Planning Commission- Councilmember Lay sent out an email to report on the planning commission.

Item#12 Sheriff's Department Report- Officer Cluff was not present, nothing to report.

Item#13 Animal Control Report- nothing to report.

Item#14 Advertise to appoint a new elected official-Mayor Nelson asked Gina to advertise for the open seat on the town council.

Item#15 RDA- Mayor Nelson asked the council if we go with the county or do it ourselves. Amy reported that Gina renewed the Elwood Town RDA, if you want to have an RDA all you have to do is establish a project area.

Mayor Nelson stated that the county had tools that could help us they have resources. Amy reported that we have the same contacts, and we can send someone to all the meetings just like the county does. Amy stated that the county wants 10% for them to run the RDA, Councilmember Goodliffe stated that was negotiable. Amy asked what did we get and what did we agree to if we go with the county, you don't have anyone from Elwood to sit on the county RDA board so do they really have Elwood's best interest? How would we control it?

Amy suggested that we control our RDA, set up the boundary for the service area, keep your 10%, and have full control of it. Shane your new planner can help set up the boundaries and help us with the RDA. You will have to have a budget every year. Amy is suggesting that we do our own RDA.

Councilmember Goodliffe stated that he thought that we would have a seat on the county RDA board. Steve Woerner asked the council if we even needed an RDA or if there was a reason

why we need an RDA? Mayor Nelson stated it's to get ahead of the situation and get the business Elwood wants.

WATER

Steve Woerner reported that the lower well pump went out and will get it fixed next week, we are upgrading to a bigger pump.

SEWER

Steve Woerner had nothing to report.

PARKS AND RECREATION

Item#16 Cemetery-Up Keep-Steve Woerner, Steve Woerner reported that Jason would like to take care of the park, but we should look at doing a contract for the cemetery. Jason still would take care of the maintenance for the park. Mayor Nelson asked Steve to look into it and get him some numbers.

ROADS

There was nothing to report.

EMERGENCY PREPAREDNESS

There was nothing to report.

OTHER

Councilmember Pace made a motion to adjourn, Councilmember Goodliffe seconded the motion and the remaining council agreed. The meeting was adjourned at 9:08 p.m.

The undersigned duly acting and appointed clerk for Elwood Town Corporation hereby certifies that the foregoing is a true and correct copy of the Town Council meeting minutes held on the 11th day of January 2022. Dated this the 8th day of Feb 2022.

Gina R Marble, Elwood Town Clerk