

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 1, 2020, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Jared C. Clawson, Paul C. James, Vicky McCombs, and Craig L. Rasmussen.

EXCUSED: Councilmember Steve Adams

CALL TO ORDER: There being four members present and four members representing a quorum, Mayor Miller called the meeting to order.

OTHERS PRESENT: City Administrator Ron Salvesen, Zoning Administrator Matt Holmes, and nine citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Miller welcomed everyone in attendance and invited audience participation.

APPROVAL OF MINUTES:

The minutes of a regular meeting on September 17, 2020 were approved as written.

ACTION

Councilmember Clawson made a motion to approve the minutes of a regular meeting held on September 17, 2020 as written. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was emailed to The Herald Journal, posted on the Utah Public Notice Website and Hyrum City's Website, provided to each member of the governing body, and posted at the City Offices more than forty-eight hours before meeting time.

Mayor Miller said item "11. C. Consideration and approval of a revised agreement with Cache County to provide EMS Services." will not be discussed tonight since the amended agreement has not been provided to the City.

ACTION

Councilmember McCombs made a motion to approve the

agenda for the regular scheduled meeting on October 1, 2020 with the amendment of removing item 11. C. Consideration and approval of a revised agreement with Cache County to provide EMS Services. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

9. SCHEDULED DELEGATIONS:

- A. Justin Campbell, Western Dairy Transport - To request site plan approval of a truck cleaning facility located at 646 West 700 North.
- B. Jake Thompson - Update on improvements to Green Meadow PUD and Cobble Creek PUD.

10. INTRODUCTION AND APPROVAL OF RESOLUTIONS:

- A. Resolution 20-10 - A resolution accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Mountain View Addition Annexation - 18.553 acres).
- B. Resolution 20-11 - A resolution amending Section 7 General Requirements and Specifications for Electrical Installations of the Design Standards and Construction Specifications for Public Works Construction in Hyrum City.
- C. Resolution 20-12 - A resolution declaring certain Hyrum City Real Property as surplus and ordering the trade thereof.

11. OTHER BUSINESS:

- A. Certification of the Mountain View Addition (Olsen Annexation).
- B. Consideration and appointment to the Mosquito Abatement District.
- ~~C. Consideration and approval of a revised agreement with Cache County to provide EMS services.~~
- D. Consideration and acceptance of Elk Mountain Planned Unit Development Phases 10 through 12 as of August 5, 2020.
- E. Consideration and approval of a Boundary Line Agreement between Hyrum City and Thomas C. TR Crookston (Res. 20-12).
- F. Mayor and City Council reports.
- G. State of Utah Public and Open Meetings Act Training.

12. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Elizabeth Ryan said she is the Green Meadow Villas HOA President and there are still some improvements that need to be made by the Jake Thompson the developer before the City releases the bond. There is an extension cord that provides power to the sprinkler system, couple of places on the buildings where siding is needed or needs to be replaced, outlet boxes without outlets covers on the outside of buildings, rebar on the outside of buildings, and the retention pond does not have anything to stop the gravel from around the pond from sliding into the pond. There are some other issues the HOA is trying to get resolved with the developer, but these issues do not involve the City.

Friend Weller said it has been three years since the City received its license for a radio station. The City is now eligible to transfer the license from its name into Friends. He will need to work with the City to file the documents.

Councilmember McCombs said she would work with Friend Weller on the Radio License transfer forms and applications.

There being no further public comment, Mayor Miller moved to the next agenda item.

SCHEDULED DELEGATIONS:**JUSTIN CAMPBELL, WESTERN DAIRY TRANSPORT - TO REQUEST SITE PLAN APPROVAL OF A TRUCK CLEANING FACILITY LOCATED AT 646 WEST 700 NORTH.**

Justin Campbell said he is the architect for Western Dairy Transport, and he has been working with City Staff on the site plan for a truck cleaning facility located at 646 West 700 North. He has reviewed the annexation agreement for the property and believes the site plan complies with the annexation agreement and City ordinances. The site plan includes a washout facility with parking for employees, trailers, trucks, and includes a full bathroom that is accessible from outside of the building for the truck drivers. This washout facility is a regional facility and

will serve other businesses than West Point Dairy.

Councilmember Rasmussen said he has several concerns with the site plan that was submitted. When this property was annexed the City Council was told by the owner that it was going to be a local facility with approximately 10 trucks a day coming to the truck wash. A regional facility will bring in a larger amount of truck traffic and the road improvements need to be addressed to determine if the existing road can meet the demand or if the road improvements addressed in the Annexation Agreement need to be made now.

Justin Campbell said even though it will be used as a regional facility there would only be 10 trucks a day at the facility until the business expands. The property will have a chain link security fence around the perimeter of the property.

Councilmember Rasmussen said there needs to be a master transportation plan conducted and included with the site plan. He wants more details on the number of potential trucks coming to the facility each day. The site plan includes parking spaces for over 40 trailers so Western Dairy is planning on a lot more than 10 trucks a day. The site plan doesn't show how the trucks will be able to enter the secure facility that has a fence all around the perimeter. The trucks cannot be stopped on the road waiting for security or to enter a code to get into the facility. There are also problems with the road dedication not being shown correctly on the site plan. The annexation agreement requires the dedication of a 78' right-of-way for the expansion of the road. Western Dairy is responsible to dedicate property for half of the road. The annexation agreement also includes a statement about extending the irrigation line to the end of the property for future expansion. If Western Dairy doesn't install the irrigation line, then most likely it will stop other developers from installing the irrigation line because of the cost to extend it along Western Dairy's property. He also wants the site plan to include a detailed landscaping plan for the property.

Councilmember Clawson said he is concerned about privacy issues relating to drivers sleeping in their trucks. The site plan shows no trees being planted along the west and east property lines to provide privacy to landowners that border this property. He would like to see trees planted to provide some type of barrier.

Zoning Administrator Matt Holmes said the road width isn't shown correctly on the plat. As far as the irrigation line extension

the City's Water Superintendent said there was no need to require an irrigation line extension in that area.

ACTION

Councilmember Rasmussen made a motion to table Western Dairy Transport's request for site plan approval of a truck cleaning facility located at 646 West 700 North until the site plan could be revised to address the following items: 1. A Transportation Master Plan for traffic; 2. A detailed landscaping plan with trees; 3. Site Plan include details on how trucks enter into facility without stopping on road; and 4. Road dedication be corrected. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, McCombs and Rasmussen voted aye. The motion passed.

JAKE THOMPSON - UPDATE ON IMPROVEMENTS TO GREEN MEADOW PUD AND COBBLE CREEK PUD.

Jake Thompson with Green Meadow PUD and Cobble Creek PUD said he has been meeting with his contractors regarding the punch list to complete Green Meadow Villas and hopefully they can get it finished up in the near future. He has been trying to get contractors back on the project to finish the job but everyone is so busy and they keep putting it off, but he will try to get the monument sign installed, lighting finished, and some other odds and ends completed.

Councilmember Rasmussen said he has heard there are legal issues with the transfer of the HOA.

Rod Thompson said the HOA has received a letter from his attorney explaining what the HOA needs to do to move forward with the transfer of the HOA.

Jake Thompson said Cobble Creek PUD is under construction and they have several units under contract with people waiting to move in. However, he has been working with the cell phone tower company for several months regarding its easement and has been unable to finalize the power to be redirected. Without that agreement he can't finish some of the improvements that need to be made. He has asphalt scheduled for roads on October 16 and hopefully they will be able to lay most of the asphalt needed, however, due to negotiations with cell phone tower company there will be a small area of parking that will not be able to be completed. The monument sign will be installed before the end of October. He is trying to get the sidewalks installed before winter, but everyone is so busy

and some of it may not be completed before winter hits. Also, landscaping could be a problem he will have a contractor there at the same time sidewalk is being installed but it may not get finished in time. Since these things are out of his control, he needs the City Council to approve occupancy permits before some of the improvements are complete. He has units sold in different complexes and without occupancy permits the new owners can't move in. If the City allowed occupancy before the improvements were in, he would try to have the improvements finished by early spring.

Councilmember James said he is concerned about giving occupancy permits before improvements are completed for several reasons. Jake's last project Green Meadow Villas still does not have all the required improvements made and the last unit was built and sold two years ago. The City requires improvements be completed before occupancy permits are issued and it wouldn't be fair to other developers if the City allowed Jake occupancy permits before the improvements were completed. It also places liability on the City for improvements if Jake were never to finish the improvements. He lives on a street that wasn't paved for two years due to a developer not finishing the project before occupancy permits were issued. The driving factor of getting a developer to finish a project is occupancy. He wouldn't be in favor of issuing occupancy permits before improvements were complete.

Councilmember Rasmussen said landscaping should be the only improvement that should be waived until spring and he even questions that because of what has happened with Jake's development of Green Meadows. He understands Jake is under pressure and has people waiting to move in but that is not the City's fault. If occupancy permits are issued there is no incentive for Jake to finish the improvements in a timely manner. There are safety issues with allowing occupancy permits before improvements are completed. He would not vote for occupancy permits to be issued until all improvements have been completed.

Rod Thompson said they are working with the cell phone tower company, but it is out of their hands. He needs to have occupancy permits and if landscaping and the parking lot was the only problem would the City authorize occupancy permits.

Councilmember James said he would have to be given a plan with guaranteed dates of when improvements would be completed before he'd consider allowing occupancy permits.

Councilmember Rasmussen said sidewalks and roads would have to be

completely installed for safety reasons before an occupancy permit could be issued. Landscaping could wait until spring if the developer submitted a detailed plan. Also the City would want a signed letter from each occupant stating that he/she understands these improvements are not in and are the responsibility of the developer and that the occupant is taking a risk of purchasing and moving in before such improvements are made.

Jake Thompson said he would get the letters and submit a plan for improvements to be made this spring. He said there was one other issue and that is he can't get siding materials to finish the exterior of the entire building, but there is enough to do the individual units that have been sold. So, there would be siding on the ones that are sold but the other units would wait until they are able to get more siding.

Councilmember James said the entire building has to be completed for an occupancy permit not just the unit. The City has these restrictions in place for a reason and the only thing the City will waive for occupancy is landscaping.

Councilmember Rasmussen said he completely agrees with Councilmember James the City isn't going to sign off on individual units. The entire building must be complete before an occupancy permit is issued.

INTRODUCTION AND APPROVAL OF RESOLUTIONS:

RESOLUTION 20-10 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (MOUNTAIN VIEW ADDITION ANNEXATION - 18.553 ACRES).

City Recorder Stephanie Fricke said Resolution 20-10 accepts an annexation petition for the Mountain View Annexation (the Olsen's). The City Council approved the Resolution to accept the annexation on August 6, 2020 and it was certified on September 3, 2020, but due to a noticing error with the Herald Journal the City is required to start the annexation process over again.

ACTION

Councilmember Clawson made a motion to approve Resolution 20-10 accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Mountain View Annexation - 18.553 acres). Councilmember McCombs seconded the motion and

Councilmembers Clawson, James, McCombs and Rasmussen voted aye. The motion passed.

RESOLUTION 20-11 - A RESOLUTION AMENDING SECTION 7 GENERAL REQUIREMENTS AND SPECIFICATIONS FOR ELECTRICAL INSTALLATIONS OF THE DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION IN HYRUM CITY.

Mayor Miller said Electric Superintendent Matt Draper is recommending approval of the amendments to Section 7 General Requirements and Specification for Electrical Installations of the Design Standards and Construction Specifications for Public Works Construction in Hyrum City.

ACTION

Councilmember James made a motion to approve Resolution 20-11 amending Section 7 General Requirements and Specification for Electrical Installations of the Design Standards and Construction Specifications for Public Works Construction in Hyrum City. Councilmember Rasmussen seconded the motion and Councilmembers Clawson, James, McCombs and Rasmussen voted aye. The motion passed.

RESOLUTION 20-12 - A RESOLUTION DECLARING CERTAIN HYRUM CITY REAL PROPERTY AS SURPLUS AND ORDERING THE TRADE THEREOF.

Mayor Miller said it has been brought to Hyrum City's attention that the City's property #01-07-0001 at the mouth of Blacksmith Fork Canyon and Thomas C TR Crookston's property #01-07-0002 has discrepancies on the existing fence line on the east side of Crookston property by both Hyrum City and Thomas C. Crookston. The existing fence between Hyrum City's property and Thomas C. Crookston's property has been legally surveyed and it is not located on the correct boundary lines of each parcel. Thomas C. Crookston has built a structure partially located on Hyrum City's property and Hyrum City has fenced Thomas C. Crookston out of a small portion of his property. In order for the existing fence to be on the property line, and for the existing building to be on Thomas C. Crookston's property a boundary line agreement between Hyrum City and Thomas C. Crookston is necessary. s between each property owner. In accordance with State regulations, the City Council has determined to declare the existing fence line the boundary line between parcels 01-07-0002 and 01-07-0001 and by doing so Hyrum City is declaring a small portion of the west property line as surplus and desires to release its right to such property in a Boundary Line Agreement with Thomas C. TR Crookston

in exchange for Thomas C. TR Crookston releasing its right to a small portion of the east side of its property in a Boundary Line Agreement with Hyrum City Corp. Resolution 20-12 will declare the property owned by Hyrum City approximately 1,391 feet on the west side of #01-07-0002 be is hereby declared as surplus property and that said property shall be traded with Thomas C. TR Crookston for the property it owns.

ACTION Councilmember James made a motion to approve Resolution 20-12 declaring certain Hyrum City real property as surplus and ordering the trade thereof. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, McCombs and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:

CERTIFICATION OF THE MOUNTAIN VIEW ADDITION (OLSEN ANNEXATION).

City Recorder Stephanie Fricke said she and City Attorney Jonathon Jenkins reviewed the annexation petition and have determined that the petition meets the requirements of Sections 10-2-403 (3), (4), and (5) of the Utah Code. Hyrum City may grant the petition and annex this property unless a written protest is received by the Cache County Boundary Commission. If a protest is received the Cache County Boundary Commission will have to determine if it is a legal protest. Any protest must be filed by November 2, 2020. The public hearing for this annexation will be held on November 5, 2020. The Notice of Certification of Annexation Petition will be mailed to all property owners included in the annexation and to all affected entities; and will be published in the Herald Journal once a week for three consecutive weeks.

ACTION Councilmember Clawson made a motion to accept the Certification of the Mountain View - Olsen Annexation Petition. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, and Rasmussen voted aye. The motion passed.

CONSIDERATION AND APPOINTMENT TO THE MOSQUITO ABATEMENT DISTRICT.

Mayor Miller said she would like to reappoint Councilmember James to serve on the Mosquito Abatement District.

ACTION Councilmember Clawson made a motion to appoint

Councilmember James to serve on the Board of the Mosquito Abatement District. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, and Rasmussen voted aye. The motion passed.

CONSIDERATION AND ACCEPTANCE OF ELK MOUNTAIN PLANNED UNIT DEVELOPMENT PHASES 10 THROUGH 12 AS OF AUGUST 5, 2020.

Mayor Miller said City staff has reviewed and inspected all improvements and is recommending acceptance of Elk Mountain Planned Unit Development Phases 10 through 12 as of August 5, 2020.

ACTION

Councilmember James made a motion to accept Elk Mountain Planned Unit Development Phases 10, 11, and 12 as of August 5, 2020. Councilmember Rasmussen seconded the motion and Councilmembers Clawson, James, McCombs and Rasmussen voted aye. The motion passed.

CONSIDERATION AND APPROVAL OF A BOUNDARY LINE AGREEMENT BETWEEN HYRUM CITY AND THOMAS C. TR CROOKSTON (RES. 20-12).

Mayor Miller said this item was discussed earlier under Resolution 20-12.

Councilmember Rasmussen said that he wants to make sure that we aren't lining up the fence with the rest of the east boundary line because it is not a straight line from where the fence ends to the west side of the City's property. If there was a fence installed it will have to be connected and will go directly west of the existing fence line then straight South.

City Administrator Ron Salvesen said the property line between Thomas Crookston and Hyrum City will not be a straight line where the existing fence ends the property line will go straight west and then south.

ACTION

Councilmember James made a motion to approve a boundary line agreement between Hyrum City and Thomas C. Tr. Crookston. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, McCombs and Rasmussen voted aye. The motion passed.

Geneva Crookston said she would like the City to install a fence along the entire boundary between the City and her property. The fence is necessary because of all the foot traffic due to the

walking trail that was built. Without a fence along the property she can not contain her dog when other people are walking, and their dogs are running loose.

The City Council said there was not a need for the City to install a fence along the entire boundary that the hill was steep. However, they will look into costs and make a decision at a later date whether it will contribute towards extending the fence further south.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Rasmussen said the Museum is hiring a curator to replace Elizabeth Cropper. The Museum has grant money available to increase the hiring wage to hopefully bring in qualified applicants. Museum Director Jami VanHuss wants to make sure that she has a qualified employee that wants to stay long term.

Mayor Miller said she has concerns with the hiring wage being requested and offering benefits. The wage that the Museum is asking for is higher than we pay our librarians, cook at senior center, and front office help. The City doesn't usually offer benefits to part time employees.

Councilmember McCombs said she watched several of the online classes held by the Utah League of Cities and Towns and they were very interesting and helpful.

Councilmember James said he also watched the online classes provided by the Utah League of Cities and Towns. Mosquito abatement is over for the year and will start again in the spring.

Mayor Miller said the bus stop is being moved in front of the Elite Hall rather than on the vacant property to the west of the Elite Hall.

City Administrator Ron Salvesen said he was contacted by UDOT regarding installation of a traffic light on 300 South and 800 East. UDOT will hopefully have it installed this spring.

STATE OF UTAH PUBLIC AND OPEN MEETINGS ACT TRAINING.

Mayor Miller said she has already had Utah Public and Open Meetings Act Training this year and asked the City Council if any of them had training as well.

Councilmember James and Councilmember Clawson both received training since they sit on other boards.

Mayor Miller asked Councilmember McCombs, Rasmussen, and Adams to watch the open meetings training by David Church on youtube and then let City Recorder Stephanie Fricke know that you watched it.

ADJOURNMENT:

ACTION There being no further business before the City Council, the Council Meeting adjourned at 8:45 p.m.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: October 15, 2020
As Written