

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 5, 2018, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Steve Adams, Kathleen Bingham, Jared L. Clawson, Paul C. James, and Craig Rasmussen.

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

OTHERS PRESENT: City Administrator Ron Salvesen, 38 citizens. Secretary Diane Woolstenhulme recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Councilmember Steve Adams led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Jared Clawson

APPROVAL OF MINUTES:

The minutes of a regular City Council Meeting held on March 15, 2018 were approved as written

ACTION

Councilmember Paul James made a motion to approve the minutes of a regular City Council Meeting held on March 15, 2018 as written. Councilmember Jared Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, 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.

ACTION

Councilmember Paul James made a motion to approve the agenda for April 5, 2018 as amended by removing item 10 Bywater site approval. Councilmember Jared Clawson seconded the motion and Councilmembers Adams, Bingham,

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

AGENDA

8. PUBLIC COMMENT:
9. PUBLIC HEARING:
 - A. To receive public comment in response to a petition filed by Max Wilkinson, Tim Wilkinson, and Dane Wilkinson; Tracy Nielsen, and Corey W. Nielsen; Corey W. and Kayla M. Nielsen; Janice J. Clawson; James R. Nielsen; R. Deane and Ruth C. Harrison; Farrell D. and Carol Dee Petersen; and Claudia S. Evans proposing the annexation of 238.64 acres more or less of real property, located between approximately 6200 South to 6700 South between 550 East and 1300 East.
10. SCHEDULED DELEGATIONS:
 - A. ~~Bret Bywater - To request site plan approval for expansion of Bywater's Cabinets at 340 North 400 West.~~
 - B. Dan Larsen, Elk Mountain P.U.D. Phases 7, 8, and 9 - To request final plat approval for Elk Mountain Planned Unit Development Phase 7 consisting of 4 fourplexes and 3 threeplexes for a total of 21 townhouses; Phase 8 consisting of 15 fiveplexes for a total of 75 apartment units; and Phase 9 consisting 15 fiveplexes for a total of 75 apartment units located at approximately between 300 and 480 South and 1600 East to 1440 East.
 - C. Mountain View Estates - To request final plat approval for Phase 2 of Mountain View Estates consisting of 16 single family dwellings located at approximately 500 South and Hammer Road.
11. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
 - A. Resolution 18-06 - A resolution amending the bail schedule for Title 6 the Animal Ordinance of the Hyrum City Municipal Code.
 - B. Resolution 18-07 - A resolution setting dog license fees, late fees, and impoundment fees.
 - C. Ordinance 18-02 - An ordinance amending Chapter 17.72 the Sign ordinance of Title 17 of the Hyrum City Municipal Code to eliminate size restrictions on electronic signs; to allow home for lease, or rent signs; and other miscellaneous changes.
 - D. Ordinance 18-03 - An ordinance amending Title 6 the Animal Ordinance of the Hyrum City Municipal Code to further define service animals and other miscellaneous items.

12. OTHER BUSINESS:

- A. Update on new fire station.
- B. Dirt road west of High Valley Subdivision.
- C. Mayor and City Council reports.

13. 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.

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

PUBLIC HEARING:

TO RECEIVE PUBLIC COMMENT IN RESPONSE TO A PETITION FILED BY MAX WILKINSON, TIM WILKINSON, AND DANE WILKINSON; TRACY NIELSEN, AND COREY W. NIELSEN; COREY W. AND KAYLA M. NIELSEN; JANICE J. CLAWSON; JAMES R. NIELSEN; R. DEANE AND RUTH C. HARRISON; FARRELL D. AND CAROL DEE PETERSEN; AND CLAUDIA S. EVANS PROPOSING THE ANNEXATION OF 238.64 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED BETWEEN APPROXIMATELY 6200 SOUTH TO 6700 SOUTH BETWEEN 550 EAST AND 1300 EAST.

Mayor Miller said Hyrum City received a petition for annexation filed by Max Wilkinson, Tim Wilkinson, and Dane Wilkinson; Tracy Nielsen, and Corey W. Nielsen; Corey W. and Kayla M. Nielsen; Janice J. Clawson; James R. Nielsen; R. Deane and Ruth C. Harrison; Farrell D. and Carol Dee Petersen; and Claudia S. Evans proposing the annexation of 238.64 acres more or less of real property, located between approximately 6200 South to 6700 South between 550 East and 1300 East. The City accepted the petition by Resolution on January 4, 2018 and Certified the Annexation Petition on January 18, 2018. The law required the Certification which gives people the opportunity to protest be published for three consecutive weeks. State Law requires any protests be filed with the Cache County Boundary Commission.

The Cache County Boundary Commission received one protest that contained the signatures of 71 people/38 individual residences. Out of the 38 residences 7 of them are in Hyrum City; 31 are south of Hyrum City Limits. Over 80% of the protestors who own property, have either subdivided their property, built a house on subdivided property, or purchased their property in the last 20 years with 26 of the 38 building a home or buying a home since 2000. By Law the

Cache County Boundary Commission held a public hearing on March 22, 2018. At that meeting the Boundary Commission determined the annexation complied with the three items listed in State Law that can be considered in a protest. The Boundary Commission made a motion to authorize this annexation to move forward with no conditions.

Hyrum City has always considered this area to be Hyrum and it is in the City's Annexation Declaration Area. The City already services this area with fire and police protection, it provides library and senior center services, and with parks and recreational opportunities. It has extended culinary water lines in this area that five of the protestors outside City Limits benefit from. The City has planned for future growth by purchasing water rights, irrigation shares, electricity, upsizing water and sewer lines, electric transmission lines and substations, and a master transportation plan in this area. This land is critical to the future growth of our City.

State Law does not require Hyrum City to hold a public hearing since the Boundary Commission held one. However, Hyrum City had mentioned earlier in this process that a public hearing would be held at a later date and wanted to ensure that everyone had an opportunity to discuss any concerns that have not already been brought before the City Council at the meeting in January. Anyone wanting to comment into tonight's public hearing will be given three minutes to speak, you must state your name, and please do not repeat things that have already been said.

No decisions will be made at tonight's meeting and there will be no discussion by the City Council after the public hearing.

Mayor Miller called for a motion to open the public hearing.

ACTION

Councilmember Paul James made a motion to open the public hearing at 6:37 p.m. Councilmember Kathy Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

Cody Matthews presented the council with a copy of Utah Code which requires that people within 300 feet of annexation be given written notice. Upon review the council determined that this did not apply as code states that this applies to first class counties of which Cache County is classified as a fourth class county by population.

The council will have city recorder Stephanie Fricke review the code.

Collette Matthews stated that she would like to see farming opportunities continued specifically the mink farm for her husband and sons. She stated that she had heard from developers that city councilmembers had made statements that the mink farm would not "be there" in the near future. She asked what the city's intentions were concerning the mink farm. Mayor Miller assured her that the council has not discussed this issue and that if this annexation goes through that the city has intentions of being "good neighbors". Ms. Matthews stated that they intend to be good neighbors although there have been issues in the past.

Greg Richman stated that he would like to see the city expand outward rather than in a checker board where development is patchwork.

Charity Bates expressed concerns that she hopes the city would recognize the importance of rural areas. She stated that she would like to see acre or larger size lots.

Kayla Nielsen expressed concerns about lighting issues and that Matthews have failed to address those issues and that Matthews should be responsible for the protection of their animals which they have failed to do and have expected adjacent land owners to deal with these issues. Matthews have not complied with issues that they agreed to with building barriers to deal with lighting issues.

Tyson Matthews stated that as the next generation he would like to see his father and siblings be able to retire from the business that they have built. He responded to Mrs. Nielsen comments stating that they have also built a shed on the property line and that they have been good neighbors.

Lynn Matthews commented on the fence line and lighting issues. He stated that he has been a good neighbor.

Robert Bates stated that if the property is developed that consideration be given to the animals/wild life in the area.

Kathy Nielsen expressed that because of removal of a fence they have not been able to use the parcel of property. She also stated that there have been issues that have not been good neighbors.

Cody Matthews stated that he would like to see the younger generation be able to work with the city and not have to deal with law suits. He also expressed concerns for those who build that they understand the dangers that come with minks.

Body Richman stated that he would like to see the farm life style continue without building encroaching on the farms.

Kyle Richardson expressed concerns about the city being transparent and that those who develop the area also be transparent informing those who build that there are smells and flies and understand that there are going to be complaints. He also stated that Matthews need to be responsible for lighting issues. Richardson also stated that agriculture needs to be protected.

There being no further comment Mayor Miller called for a motion to close the public hearing.

ACTION

Councilmember Paul James made a motion to close the public hearing at 7:30 p.m. Councilmember Jared Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

SCHEDULED DELEGATIONS:

DAN LARSEN, ELK MOUNTAIN P.U.D. PHASES 7, 8, AND 9 - TO REQUEST FINAL PLAT APPROVAL FOR ELK MOUNTAIN PLANNED UNIT DEVELOPMENT PHASE 7 CONSISTING OF 4 FOURPLEXES AND 3 THREEPLEXES FOR A TOTAL OF 21 TOWNHOUSES; PHASE 8 CONSISTING OF 15 FIVEPLEXES FOR A TOTAL OF 75 APARTMENT UNITS; AND PHASE 9 CONSISTING 15 FIVEPLEXES FOR A TOTAL OF 75 APARTMENT UNITS LOCATED AT APPROXIMATELY BETWEEN 300 AND 480 SOUTH AND 1600 EAST TO 1440 EAST.

Dan Larsen stated that in order to add additional open space that the two car garage has been added to all units. Landscaping has started. The club house has been in the design stage and will be complete by the end of the year. The club house will be available through the HOA.

Councilmember James inquired about the round-a-bout and Mr. Larsen stated that that would be completed as part of Phase VII.

City Administrator Ron Salvesen inquired about the water line from Hammer Road.

Dan Larsen stated that they will expand that line and as development continues south they will continue work on the line.

Ron Salvesen stated that if Kartchner's does not complete the line the city would have to complete as part of the cities work on Hammer Road.

Councilmember Clawson expressed concerns of parking.

Don Larsen stated that there is additional visitor parking throughout the complex.

Councilmember Rasmussen asked about changes being approved by the City Engineer.

Zoning Administrator Ron Salvesen stated that all changes have been approved.

Councilmember Clawson asked about garbage clean up.

Dan Larsen stated that they will work to keep garbage cleaned up.

ACTION

Councilmember Paul James made a motion to approve the Final Plat for Elk Mountain Planned Unit Development Phase 7 consisting of 4 fourplexes and 3 threeplexes for a total of 21 townhouses; Phase 8 consisting of 15 fiveplexes for a total of 75 apartment units; and Phase 9 consisting 15 fiveplexes for a total of 75 apartment units located at approximately between 300 and 480 South and 1600 East to 1440 East with the following conditions: Approval phase 7 with the completion of round-a-bout and recommendations of planning commission and completion of water line. Phase 8 approved with substantial completion of club house if club house is not completed a bond shall be in place before any occupancy shall be permitted. Phase 9 is approved and can start as soon as 80 percent of Phase 8 is complete. Councilmember Steve Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

MOUNTAIN VIEW ESTATES - TO REQUEST FINAL PLAT APPROVAL FOR PHASE 2 OF MOUNTAIN VIEW ESTATES CONSISTING OF 16 SINGLE FAMILY DWELLINGS LOCATED AT APPROXIMATELY 500 SOUTH AND HAMMER ROAD.

Kim Datwyler and Mike Taylor engineer stated that 16 lots have

been sold with 16 more are on a waiting list. Work is being done on keeping garbage cleaned up. Mark will work on keeping the weeds cleaned up and land will be dry farmed.

Councilmember Rasmussen expressed concerns about the Storm water swells system in the area with garbage and debris building up in the system.

Ron Salvesen stated that swell systems have worked well in other parts of the community and in Mr. Sterling Farms a combination of inlets and swells has worked more efficiently.

Mike Taylor stated that with rocky soil on the east side he doesn't anticipate issues.

Councilmember Rasmussen stated that a concrete apron has worked well in Logan.

Ms. Datwyler stated on this part of the development they would try less top soil that would diminish the need for upkeep.

ACTION

Councilmember Jared Clawson made a motion to approve the Final Plat for Phase 2 of Mountain View Estates consisting of 16 single family dwellings located sat approximately 500 South and Hammer Road with the following conditions: follow recommendation of planning commission and city staff and engineer. Councilmember Paul James seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:**RESOLUTION 18-06 - A RESOLUTION AMENDING THE BAIL SCHEDULE FOR TITLE 6 THE ANIMAL ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE.**

Mayor Miller said Resolution 18-06 amends the bail schedule for Title 6 the Animal Ordinance of the Hyrum City Municipal Code by changing all violations of Title 6 from a Class C Misdemeanor that can carry a maximum penalty of \$1,000 and a maximum time of 90 days to an infraction.

Councilmember James recommended that if an individual does not get a citation in 3 years that the bail schedule allows the offense to return to the first offense.

ACTION

Councilmember Craig Rasmussen made a motion to approve

Resolution 18-06 with the stipulation that if a individual does not get a ticket in 3 years then the bail schedule will go back to the first offense amending the bail schedule for Title 6 the Animal Ordinance of the Hyrum City Municipal Code. Councilmember Jared Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

RESOLUTION 18-07 - A RESOLUTION SETTING DOG LICENSE FEES, LATE FEES, AND IMPOUNDMENT FEES.

Mayor Miller said Resolution 18-07 sets the dog license fees, late fees, and impoundment fees. This resolution will change the late fee from \$20.00 to \$5.00 for anyone failing to license his/her dog before February 28 of each year.

ACTION

Councilmember Jared Clawson made a motion to approve Resolution 18-07 setting Dog License Fees, Late Fees, and Impoundment Fees. Councilmember Kathy Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

ORDINANCE 18-02 - AN ORDINANCE AMENDING CHAPTER 17.72 THE SIGN ORDINANCE OF TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE TO ELIMINATE SIZE RESTRICTIONS ON ELECTRONIC SIGNS; TO ALLOW HOME FOR LEASE, OR RENT SIGNS; AND OTHER MISCELLANEOUS CHANGES.

Mayor Miller said Ordinance 18-02 amends Chapter 17.72 the Sign Ordinance of Title 17 of the Hyrum City Municipal Code to eliminate size restrictions on electronic signs; to allow home for lease, or rent signs; and other miscellaneous changes. The Planning Commission held a Public Hearing on March 8, 2018 and is recommending adoption of the proposed changes.

ACTION

Councilmember Paul James made a motion to adopt Ordinance 18-02 amending Chapter 17.72 the Sign Ordinance of Title 17 of the Hyrum City Municipal Code to eliminate size restrictions on electronic signs; to allow home for lease, or rent signs; and other miscellaneous changes. Councilmember Craig Rasmussen seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**ORDINANCE 18-03 - AN ORDINANCE AMENDING TITLE 6 THE ANIMAL
ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER DEFINE
SERVICE ANIMALS AND OTHER MISCELLANEOUS ITEMS.**

Mayor Miller said Ordinance 18-03 amends Title 6 the Animal Ordinance of the Hyrum City Municipal Code to further define service animals and other miscellaneous items.

The City Council recommended amending item 6.04.010 Definition changing item 3. "Service animal includes any dog that" to "Service animal does not include:".

ACTION

Councilmember Paul James made a motion to adopt Ordinance 18-03 amending Title 6 the Animal Ordinance of the Hyrum City Municipal Code to further define service animals and other miscellaneous items with the following amendment to 6.04.010 Definition changing item 3. "Service animal includes any dog that" to "Service animal does not include:". Councilmember Kathy Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:

UPDATE ON NEW FIRE STATION.

City Administrator Ron Salvesen stated that the city has been working with the DWA that has stated that a panel system is not as cost effective as first thought. Raymond Construction has listed the specifics of what their bid of \$600,000 includes, the only thing not included in this bid was brick on the exterior of the building. The city has suggested that if they move the offices and restrooms into the administrative building would Raymonds be able to brick part of the exterior. Each of the bids presented was to include a \$600,000 option which the DWA bid coming in at a million fifty. He recommends that the city look into the Raymond bid.

Councilmember Clawson stated that he would like to continue looking into the panel system with Raymond.

Councilmember James stated that he would like to look more closely at other fire stations and construction that has been done.

The City Council recommended not doing a design-build process on

further building construction. Councilmember Rasmussen questioned the width of the design and if trucks would fit; Kevin Maughan stated that it would and that it is the same foot print. Councilmembers agreed to allow further discussion with Raymond Construction. The administrative building will be built in the near future with the completion of the apparatus building. Raymonds will present the city with the final cost and at that point they will come back to the council for final approval.

DIRT ROAD WEST OF HIGH VALLEY SUBDIVISION.

City Administrator Ron Salvesen stated that the city has been working with Clay Buttars and stated that the road is only partially in the city the past annexation agreement was clear that this was a private road. The road is a private drive. Issue is that past Planning Commission and City Council decisions are unclear and the city has maintained the road at times.

Councilmember James stated that the two homes in the back are in the county and should not benefit from city.

City Administrator Ron Salvesen stated that the city should not be involved in building an asphalt road.

Mr. Buttars stated that the commission meeting in 1997 intended this to be a city road. Questions have been raised on whether this is a city road. Mr. Buttars was informed that the city sign on the road was placed there for emergency personnel to find the road and that these signs are common.

City Administrator Ron Salvesen stated that past decisions are unclear and the city needs to be clear on the city positions concerning this road and that a large portion of the road is in the county and that although the road is partially on city property it is not by definition a road and should not be maintained. The city needs to find common ground. This is a private road not a city street. Councilmembers explained that although this is partially on city property it is not a city street by definition. Mr. Salvesen stated that it should be the homeowners responsibility to cover the cost of maintaining a private drive.

ACTION

Councilmember James motioned that the city grade and resurface the road once a year as a gravel road and it is the homeowners responsibility to deal with dust control and snow removal. Councilmember Craig Rasmussen seconded the motion. Councilmembers James, Adams,

Rasmussen, Clawson voted aye and Councilmember Bingham vote nay. Motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmembers Adams, James and Bingham had no reports.

Councilmember Rasmussen stated that plans are underway for hot wheels and hot dogs and sponsorship posters will be printed next week. Event is June 2. Jamie VanHuss is having an architectural design for the Elite hall prepared and there are several donors interested in the project. Mayor Miller stated that this would have to be done as a matching contribution. Mayor Miller inquired if the city would have to do a budget adjustment. Councilmember Rasmussen stated that Jamie is in the process of doing a grant application for design on the annexation on the east side of the Elite Hall.

Councilmember Clawson stated that the Easter Egg Hunt went well and thanked the youth council for their assistance in stuffing the eggs. Down in number with due to spring break and conference weekend, they did around 6,000 eggs. Adjustments will be made for the younger kids next year.

City Administrator Ron Salvesen stated that there is the workshop on subdivisions and asked what information they may want and what other cities are doing. Councilmember James stated that they may want to have someone from the Land institute speak concerning rural atmosphere. Councilmember Clawson stated that he is not in favor of having someone from the Wasatch front speak on issues having to do with Hyrum. Councilmembers stated that they would like to see issues of lot sizes and driveway issues maintenance be addressed.

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 8:50 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder