

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 1, 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, Paul C. James, and Craig Rasmussen. Councilmember Bingham arrived at 6:50 p.m. and Councilmember Clawson participated by phone from 6:55 p.m. to 7:05 p.m. Councilmember James was excused at 7:45 p.m.

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

OTHERS PRESENT: City Administrator Ron Salvesen, eight citizens and 35 boy scouts. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Boy Scout Caden Hess led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Mayor Miller

APPROVAL OF MINUTES:

The minutes of a special City Council Meeting held on February 1, 2018 and a regular City Council Meeting held on February 1, 2018 were approved as written

ACTION

Councilmember James made a motion to approve the minutes of a special City Council Meeting held on February 1, 2018 and a regular City Council Meeting held on February 1, 2018 as written. Councilmember Adams seconded the motion and Councilmembers Adams, 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 James made a motion to approve the agenda for March 1, 2018 as written. Councilmember Adams seconded the motion and Councilmembers Adams, James, and Rasmussen voted aye. The motion passed.

AGENDA

9. SCHEDULED DELEGATIONS:
 - A. Jake Thompson, Cobble Creek Townhomes - To request Concept Plan approval for Cobble Creek Townhomes, a Planned Unit Development, consisting of five fourplexes, located at approximately 230 North 800 East along with 52 storage units that are already built (approximately 3 acres).
 - B. Cindy Sanders - To request a Home Occupation Business License at 1374 East 150 South for making and teaching of crafts.
 - C. Hailie McMurdie, CAPSA - To present and request approval of a Proclamation declaring April as National Sexual Assault Awareness Month.
 - D. Britney Bird, The Family Place - To present and request approval of a Proclamation declaring April as Child Abuse Prevention Month.
 - E. Friend Weller - To report on the Radio FCC License.
10. INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCE:
 - A. Resolution 18-05 - A resolution adopting Hyrum City's Water Management and Conservation Plan.
 - B. Ordinance 18-01 - An ordinance granting to Questar Gas Company dba Dominion Energy Utah a franchise for the construction, operation and maintenance of a gas distribution system in Hyrum City, Cache County, State of Utah.
11. OTHER BUSINESS:
 - A. Certification of an Annexation Petition (Simmons).
 - B. Hyrum City Logo.
 - C. Mayor and City Council reports.
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.

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

SCHEDULED DELEGATIONS:

JAKE THOMPSON, COBBLE CREEK TOWNHOMES - TO REQUEST CONCEPT PLAN APPROVAL FOR COBBLE CREEK TOWNHOMES, A PLANNED UNIT DEVELOPMENT, CONSISTING OF FIVE FOURPLEXES, LOCATED AT APPROXIMATELY 230 NORTH 800 EAST ALONG WITH 52 STORAGE UNITS THAT ARE ALREADY BUILT (APPROXIMATELY 3 ACRES).

Jake Thompson said he met with the City Council on January 18, 2018 to request Concept Plan approval for Cobble Creek Townhomes, a Planned Unit Development, consisting of five fourplexes, located at approximately 230 North 800 East along with 52 storage unit that are already built. The City Council tabled this item and further review until he could meet with UDOT to discuss an access permit and for the road into it to be aligned with the intersection of Anderson Avenue. He has met with UDOT and UDOT is requiring that he align his entrance/exit road with Anderson Avenue. Also he has reduced the number of fourplexes from six to five.

Councilmember Adams said he still has the same concerns that he brought up at the January 18, 2018 City Council Meeting. He doesn't think multi-family housing is conducive in this area. He is greatly concerned about the noise and dust from Kilgore's plant and residents complaining about it. He has spoken with a resident on Hollow Road and the resident told him that he receives a lot of dust from Kilgore's plant and his house would be further away from Kilgore's than this proposed development. If this were to be approved the City would receive continuous complaints from the residents of Cobble Creek about the noise and dust from Kilgore's and that the City has a responsibility to protect not just the residents of the proposed development but also to protect the businesses that have already been approved and are in operation. These two uses do not mix well.

Councilmember James said he lives across the highway in that area and there is a ton of dust from Kilgores and he can relate to how the future owners of Cobble Creek would feel about all of the dust.

Jake Thompson said he could put something in the CC&R's about cleaning up the dust and who is responsible for it.

Councilmember James said it would not help to put anything in the CC&R's about who is responsible for cleaning up the dust not unless the Homeowners Association is going to pay for someone to come in and dust each home. If the City is concerned about noise and dust in this area from Kilgores then it should have also been concerned

when it recently approved the subdivision just to the south of Ridge Crest Subdivision.

Councilmember Adams said he is also concerned about this property being used for multi-family housing when it is in a commercial zone and is located on the Highway where commercial businesses should be located. By approving this development, the City is taking away the City's commercial land that will be vital with the growth that it is and will be taking place in Hyrum. He doesn't have a problem with the multi-family housing units that are being proposed his main issue is this isn't the right location for them.

Jake Thompson said his development would enhance commercial growth and would help sustain businesses in this area. He has included in this proposal a larger park since he eliminated one of the fourplexes.

Councilmember Rasmussen said Highway 165 is a busy highway and suggested there be at least a 25' setback from the highway. This will help with safety, and noise issues from the Highway. He also asked if the Fire Chief had reviewed the plan to ensure the access and roads into this development were wide enough for fire access.

City Administrator Ron Salvesen said Fire Chief Kevin Maughan has approved the plan for fire access.

Councilmember Rasmussen also questioned Jake about the slope of the property and how the units on the south side of the property would be affected by the slope; and if there was a public easement that would be recorded for the road south of the proposed development that could be used to access behind the units and in front of the storage units.

Jake Thompson said some units will have step foundations that will be affected by the slope of the property. He will work out an agreement with Nydeggar's (the storage unit owner and current land owner) for use of the road south of the proposed development.

Councilmember Bingham arrived at 6:50 p.m.

Councilmember Rasmussen said the approval of this concept plant should be conditional upon a shared access road to the south of the development. Also he is concerned about there not being any outside parking for the two fourplexes on the east side of the property.

Councilmember Clawson participated by telephone at 6:55 p.m.

Councilmember James said it is important that there is enough room for parking spaces in this development. A developer should not rely upon City/State roads for parking. If the roads inside the development are not wide enough in the development when people park on the side of the road there isn't enough room to drive down the street.

Jake Thompson said City ordinance only requires him to provide 2.5 parking spaces per unit and he has provided 3.3.

ACTION

Councilmember Adams made a motion to deny Jake Thompson's request for Concept Plan approval for Cobble Creek Townhomes, a Planned Unit Development, consisting of five fourplexes, located at approximately 230 North 800 East along with 52 storage unit that are already built based upon the area is not conducive to multi-family housing with Kilgore's manufacturing business surrounding this proposed development. There is excessive noise and dust from this business that would most likely create a conflict with the residents of the proposed development; and this property is zoned commercial and should be used for commercial property. Councilmember Clawson seconded the motion. Councilmembers Adams, Bingham, and Clawson voted aye. Councilmember James and Rasmussen voted nay. The motion passed.

Councilmember Clawson excused himself from the meeting at 7:05 p.m. due to inadequate cell phone service.

CINDY SANDERS - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 1374 EAST 150 SOUTH FOR MAKING AND TEACHING OF CRAFTS.

Cindy Sanders said she is requesting a Home Occupation Business License at 1374 East 150 South for the making and teaching of crafts. She would have maybe five to ten people in a class at one time and has parking in her driveway for four cars.

ACTION

Councilmember James made a motion to approve a Home Occupation Business License for Cindy Sanders to make and teach crafts at 1374 East 150 South, if there are complaints regarding parking issues caused by her business then she will need to meet with the City Council to have her license reviewed before the City renews it.

Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

HAILIE MCMURDIE, CAPSA - TO PRESENT AND REQUEST APPROVAL OF A PROCLAMATION DECLARING APRIL AS NATIONAL SEXUAL ASSAULT AWARENESS MONTH.

Hailie McMurdie said she is with CAPSA and asked for Hyrum City's support in approval of a Proclamation Declaring April as National Sexual Assault Awareness Month.

Mayor Miller read the Proclamation Declaring April as National Sexual Assault Awareness Month.

ACTION

Councilmember James made a motion to approve a Proclamation Declaring April as National Sexual Assault Awareness Month. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

BRITNEY BIRD, THE FAMILY PLACE - TO PRESENT AND REQUEST APPROVAL OF A PROCLAMATION DECLARING APRIL AS CHILD ABUSE PREVENTION MONTH.

City Recorder Stephanie Fricke said Britney Bird with the Family Place contacted her earlier in the day and asked to be removed from tonight's agenda and rescheduled for March 15. A representative from the Family Place wants to be present when the City Council approves the Proclamation.

FRIEND WELLER - TO REPORT ON THE RADIO FCC LICENSE.

Friend Weller said his neighbor and Attorney Ken Allsop has helped him prepare most of the paperwork for the FCC License including the Memorandum of Understanding that was sent to the City Council this week. The purpose of the memo is to outline the intent of the parties with respect to the establishment and operation of facilities necessary to transmit radio under the license owned by Hyrum City Corporation and broadcasting of the station.

Councilmember Rasmussen said after reading the Memo of Understanding he was concerned that ownership of the license was staying under Hyrum City. In previous City Council meetings the City Council has stated and specifically required that Friend

transfer the license into his name due to liability issues with the City having a radio station.

Friend said it takes three years of Hyrum City owning the station before the license can be transferred.

Mayor Miller said several years ago Friend approached the City Council about applying for a license for a radio station. The City Council was interested in the radio station in the beginning and authorized Friend to file an application in the City's name. However, after the City spoke with its insurance company and legal counsel the City was advised to not have a radio station due to liability issues. The City Council made Friend aware of the City's intent to no longer pursue the license. Friend suggested he would take over the license and transfer the license into his name once the license was approved. Hyrum City has never been interested in running a radio station

Ken Allsop said he does not have the full history of this project. Friend asked him to help with licensing and creating an agreement with Hyrum City. Mr. Weller has already purchased the equipment and installed it on Hyrum City property with Hyrum City's permission. This Memorandum of Understanding is to protect Friend Weller and Hyrum City by outlining the intent of how the radio license will be owned and operated. If Hyrum City wants the license transferred to Friend there is a minimum three year requirement before the license can be transferred.

Councilmember James said he has been supportive of Friend and the radio station, however, he doesn't want to put the City in a place where it can be held liable for something that is perceived by someone or some organization that the City broadcasted something that was perceived as racial, religious, or biased. If there is live programming on the radio station then there is liability to the City.

Ken Allsop said Friend has put in a lot of time and money on this radio license with the City's approval. He would like the City to work with Friend to find a way to reduce or minimize the City's liability and allow Friend to operate the radio station under the City's name.

City Administrator Ron Salvesen said Hyrum City's attorney has advised the City that the City's liability for owning a radio

station is very risky and the City has a responsibility to its citizens to be fiscally responsible.

ACTION

Councilmember Rasmussen made a motion for City Staff to work with the City Attorney for further review and consideration of the Memo of Understanding and to see if the agreement can be revised to lessen Hyrum City's liability before bringing it back to the City Council for consideration. Councilmember James seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF A RESOLUTION AND AN ORDINANCE:**RESOLUTION 18-05 - A RESOLUTION ADOPTING HYRUM CITY'S WATER MANAGEMENT AND CONSERVATION PLAN.**

Mayor Miller said the State requires Hyrum City to approve a water Management and Conservation Plan. The City's plan should include ways for the City to conserve water. Hyrum City has a secondary water system in order to preserve culinary water and save pumping costs. The City received a letter from the State saying Hyrum City's average residential customer uses 352 gallons a day which is above the State average of 240 gallons per day. Hyrum City has a large industrial base that uses a lot of water per day. The State did not take into consideration the City's industrial water users and only divided Hyrum City's consumption by its residential users. Hyrum City's average per day residential water use is 72 gallons, which is well below the State average.

ACTION

Councilmember James made a motion to approve Resolution 18-05 adopting Hyrum City's Water Management and Conservation Plan. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

ORDINANCE 18-01 (RESOLUTION 18-06) - AN ORDINANCE GRANTING TO QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN HYRUM CITY, CACHE COUNTY, STATE OF UTAH.

City Recorder Stephanie Fricke said Ordinance 18-01 should have been Resolution 18-06. Ordinances are city laws and Resolutions are city policies or fee schedules. Dominion Energy sent it to

the City as an Ordinance but it would be better for future reference to have it as a Resolution.

ACTION

Councilmember James made a motion to approve Ordinance 18-01 granting to Questar Gas Company DBA Dominion Energy Utah a franchise for the construction, operation and maintenance of a gas distribution system in Hyrum City, Cache County, State of Utah with the amendment of changing "Ordinance 18-01" to "Resolution 18-06". Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**CERTIFICATION OF AN ANNEXATION PETITION (SIMMONS).**

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 102-403 (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 Tuesday, April 3, 2018. If no protests are filed the public hearing for this annexation will be held on April 19, 2018. 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 James made a motion to accept the Certification of the Simmons Annexation Petition. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

Councilmember Rasmussen said if the City doesn't want multi-family housing units next to Kilgore then the City should probably not have accepted the Simmons' annexation petition since it specifically zoned particular pieces of property so that multi-family housing could be built there. If the City is not going to allow the petitioner to build multi-family housing on the property being annexed then the City needs to inform the petitioner and let the petitioner decide if he wants to continue with the annexation.

HYRUM CITY LOGO.

Mayor Miller said the City Council should have received a copy of the designs that were submitted for the new City Logo. The City Logo that she felt best represented Hyrum City was submitted by Denise Maughan with an elk and pine tree. Denise was able to envision a logo that truly is unique from other cities.

Councilmember James said he agrees he likes the elk and the pine tree, but would prefer no border around the logo and rather than having it centered to put the logo on the right side with Hyrum City just above the elk antlers. This will make it a cleaner design. He had a graphic designer from Bridgerland Technical College pull these ideas together and he showed the City Council a copy of the design.

ACTION

Councilmember James made a motion to accept the elk and pine tree logo designed by Denise Maughan with the placement and font as drawn by the graphic designer from Bridgerland Technical College as the new Hyrum City Logo. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

Councilmember James asked to be excused at 7:45 p.m.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Adams said he is going on the tour of the Carbon Free Power Project that UAMPS has arranged. He is excited to be able to attend so he can learn more about this type of power plant.

Councilmember Rasmussen said Jazz Nights at the Elite Hall on February 22 through February 24 was well attended with over 600 people on Saturday. The Museum is working with USU to see if they can arrange for another Jazz Night in conjunction with Hot Dogs and Hot Wheels.

Councilmember Bingham said she took the Hyrum City Princesses dress shopping and they picked out a beautiful red sequenced dress. She is busy working on covering the Hyrum City Float.

Mayor Miller said Hyrum City's employee luncheon is on March 21. The Easter Egg Hunt is on March 31 this year. Demolition of the old City Office Building will begin next week. The Hyrum City Library Book Sale is on March 15 through March 17. The Youth

Council is attending training at Utah State University next weekend.

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 8:05 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder