

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 5, 2017, 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, Kathy 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, and two citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

INVOCATION: Councilmember Bingham

APPROVAL OF MINUTES:

ACTION

Councilmember James made a motion to approve the minutes of a regular meeting on September 21, 2017 as written. Councilmember Bingham 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 Bingham made a motion to approve the agenda for October 5, 2017 as written. Councilmember James seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

AGENDA

8. PUBLIC COMMENT

9. SCHEDULED DELEGATIONS:

- A. Roy Savage, Hidden Valley Subdivision - To request Final Plat approval for Hidden Valley Subdivision Phase 1 consisting of 11 single family building lots located at approximately 30 North 650 West.
- B. Kim Datwyler Neighborhood Housing Solution - To request approval for building permits in Mountain View Estates Phase 1 located at approximately 1330 East 500 South.

10. INTRODUCTION AND ADOPTION OF A RESOLUTION:

- A. Resolution 17-14 - A resolution creating an assisted living center sewer service class and setting sewer service rates.

11. OTHER BUSINESS:

- A. Consideration and award of bid for asbestos removal in old City Office building.
- B. 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:**ROY SAVAGE, HIDDEN VALLEY SUBDIVISION - TO REQUEST FINAL PLAT APPROVAL FOR HIDDEN VALLEY SUBDIVISION PHASE 1 CONSISTING OF 11 SINGLE FAMILY BUILDING LOTS LOCATED AT APPROXIMATELY 30 NORTH 650 WEST.**

City Administrator Ron Salvesen said the City Engineer and City Staff have reviewed the Final Plat for Hidden Valley Subdivision Phase I consisting of 11 single family buildings lots located at approximately 30 North 650 West with the following conditions: 1. The developer finalize an agreement with the Wellsville Canal Company to allow storm water to be discharged into canal, location of fence; and 2. Final construction drawings are approved by the City Engineer.

Roy Savage said he has met with Wellsville Canal Company and has a written agreement from Wellsville Canal Company, but he does not like some of the conditions the canal company are placing upon him. He needs to meet with the canal company to discuss these

issues and hopefully get them resolved so he and the Wellsville Canal Company feels comfortable with the agreement before he signs it. The canal company is requiring a fence to be installed that would run along the east side of the canal. He is in disagreement with the canal company on the distance the fence has to be installed away from the canal on the east side. The canal has always been maintained on the west side of the canal so he doesn't know why they are requiring such a large easement on the east side of the canal. He is trying to determine what type of fencing material to use along the canal so the fence doesn't burn or melt when the canal company cleans the canal in the spring of each year. The agreement with Wellsville Canal Company will allow his stormwater to drain into the Wellsville Canal rather than a storm water retention pond. If he can't reach a reasonable agreement with the Wellsville Canal Company then he will pipe the stormwater across the canal and put it in a retention pond with the overflow draining into the Little Bear River.

Councilmember Rasmussen said the Final Plat needs a few corrections. The sewer lift station near lot 22 should have a deeded easement to the City shown on the plat; 2. "Builder to construct fence along bank of canal/property line" should state "Developer to construct fence along bank of canal/property line."; 3.

Councilmember Rasmussen asked if the fence along the Wellsville Canal would be put in as part of Phase 1 of the development.

Roy Savage said he wants to install the fence in Phase 2. The sewer lift station will be expensive and that has to be installed in Phase 1. There are only two lots in Phase 1 that border the Wellsville Canal. If the Wellsville Canal requires him to install the fence before any houses are built then he will install the fence in Phase 1. He said he is not sure what type of fencing material he will use. He doesn't like the look of chain link but he doesn't know if the vinyl well get burned. Also chain link is easier for kids to climb up and over compared to vinyl.

Councilmember Rasmussen asked what the minimum height of the fence would be and the height and material is required to be included on the final plat.

Roy Savage said the fence would be a minimum of 6' high and he will agree to chain link at this time but if he decides that he can afford to install a vinyl fence then he hopes the City Council would not object.

Councilmember Rasmussen said in Note 6 on the Final Plat it states "The building permit applicant, property owner, and/or contractor is solely responsible for determining historical groundwater depths and determining appropriate finished floor elevation include basements which are safe from flooding" it needs to include "subject to engineering evaluation".

Roy Savage said in Phase 1 he is only concerned with lots 6 and 7 possible having high ground water potential. It will be Phases 3 and 4 that there will need to be sumps to handle stormwater.

Councilmember Rasmussen asked how the stormwater in Phase 1 would be handled.

Roy Savage said the storm drain on 775 West would handle the most of the storm water and he will create a temporary holding pond for stormwater overflow that could be used until Phase 2 is completed that will permanently handle the stormwater for the subdivision.

ACTION

Councilmember Rasmussen made a motion to table the Final. Plat for Phase I of Hidden Valley Subdivision until the items that have been discussed tonight can be addressed or finalized on the plat. Councilmember Clawson seconded the motion.

Mayor Miller asked if the City Council could approve the Final Plat with the conditions that have been discussed, so Roy Savage doesn't have to come back to another meeting.

Councilmember Rasmussen there are some engineering items that need to be addressed and he would like a cleaner Final Plat that doesn't require so many corrections. There is also the Wellsville Canal Stormwater Agreement that still needs to be agreed upon by Roy Savage and the Wellsville Canal. He would like to make sure these things are finalized and correct before giving Final Plat approval.

ACTION

Councilmember James made a motion to approve the Final Plat for Phase I of Hidden Valley Subdivision consisting of 11 single family buildings lots located at approximately 30 North 650 West with the following conditions: 1. The Plat include the type of material and height for the fence along the Wellsville Canal; 2. The sewer lift station near lot 22 have a deeded easement to the City shown on the plat; 3. The Plat be amended from

"Builder to construct fence along bank of canal/property line" to "Developer to construct fence along bank of canal/property line."; 4. Note 6 on the Final Plat be amended to state "The building permit applicant, property owner, and/or contractor is solely responsible for determining historical groundwater depths and determining appropriate finished floor elevation include basements which are safe from flooding subject to engineering evaluation."; 5. An agreement be finalized with Wellsville Canal Company that addresses the fence and allowing stormwater to drain into canal; and 6. Construction drawings be approved by the City Engineer. Councilmember Bingham seconded the motion. Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

KIM DATWYLER NEIGHBORHOOD HOUSING SOLUTION - TO REQUEST APPROVAL FOR BUILDING PERMITS IN MOUNTAIN VIEW ESTATES PHASE 1 LOCATED AT APPROXIMATELY 1330 EAST 500 SOUTH.

Mark Williams with Neighborhood Housing Solution said Kim Datwyler was unable to attend tonight's meeting and asked him to represent her on this item. Neighborhood Housing Solutions already has 10 families that are ready to build homes in Phase I of Mountain View Estates. However, with winter approaching and construction at a high it is difficult to find contractors to install utility improvements before winter. These 10 families are excited and need to start building on their houses so they can be in them by the end of summer next year. It usually takes nine months from the beginning to the end of a phase. He was hoping the City would be willing to allow construction of the houses to start this fall with the condition that no occupancy permits will be issued until all of the improvements are in and approved by the City.

Councilmember Rasmussen said he is concerned about issuing building permits before improvements are installed. He knows of a City who issued building permits before improvements were installed and the houses were finished and the homeowners were putting a lot of pressure on the City to force the developer to move quicker on finishing the improvements and to give them an occupancy permit before the subdivision was finished. If the City agrees to issuing building permits before improvements are finished the City needs to include a statement on each building permit that "ATTENTION - Occupancy will not be given until developer completes and the City accepts all improvements."

ACTION

Councilmember James made a motion to issue building permits before improvements are installed in Mountain View Estates Phase 1 with the following conditions: 1. All snow removal is the responsibility of the developer until the City accepts all improvements; and 2. The developer inform all buyers and a statement be included on each building permit "Occupancy will not be given until the developer completes and the City accepts all improvements. Councilmember Bingham seconded the motion. Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND ADOPTION OF A RESOLUTION:**RESOLUTION 17-14 - A RESOLUTION CREATING AN ASSISTED LIVING CENTER SEWER SERVICE CLASS AND SETTING SEWER SERVICE RATES.**

Mayor Miller said at the last City Council Meeting the City Council discussed creating an assisted living center sewer service class and sewer service rates. The standard household in Hyrum has 3.2 persons per residential unit, the assisted living center sewer rate would be determined by the total number of residents and employees in the center divided by 3.2 to determine an equivalent residential unit number. That equivalent residential unit number would then be multiplied by the City's residential sewer rate to determine the monthly charge.

ACTION

Councilmember James made a motion to approve Resolution 17-14 creating an Assisted Living Center Sewer Service Class and Setting Sewer Service Rates. Councilmember Clawson seconded the motion. Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**CONSIDERATION AND AWARD OF BID FOR ASBESTOS REMOVAL IN OLD CITY OFFICE BUILDING.**

City Administrator Ron Salvesen said the City received three bids for asbestos removal in the old City Office Building. EIA is the lowest bid and is a reputable company and he is recommending the City accept EIA's bid.

Contractor:

Bid Amount:

| | |
|--------------------|----------|
| EIA | \$30,150 |
| Eagle Environment | \$32,852 |
| Rocmont Industrial | \$39,018 |

ACTION

Councilmember Rasmussen made a motion to award the bid for asbestos removal in the old City Office Building to EIA in the amount of \$30,150. Councilmember Clawson seconded the motion. Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Mayor Miller reminded the City Council that as the last item under Mayor and City Council Reports the City Council will need to watch a training video on the Open and Public Meetings Act.

Councilmember Rasmussen said Museum Director Jami VanHuss is in the process of applying for a couple of substantial grants for the restoration of the Elite Hall. The Museum will be hosting movie night at the Elite Hall starting in November.

Councilmember James said there were five cases of West Nile Virus in Cache Valley this year, however, none of those cases were in Hyrum. Three out of the five cases were human and one person passed away from the virus.

Councilmember Clawson said he spend most of his day on the phone with people concerned about a proposed annexation on the southeast side of Hyrum that would surround the mink farm in that area.

City Recorder Stephanie Fricke explained that two separate property owners contacted her in the last couple of months regarding annexation of property on the southeast side of Hyrum. This has the potential of being a larger annexation with several property owners. She asked the two individuals interested in annexation to invite neighboring property owners to a meeting with her and City Administrator Ron Salvesen this Friday to review the law on the annexation process so she didn't have to discuss it with each landowner in that area. Annexation discussion can be very time consuming and this meeting will be away to help conserve City Staff time. If and once the property owner's determine who is interested in annexation, she is going to recommend they come in and discuss it with the City Council before going to the cost of having a survey conducted and filing an annexation petition. This is the process and advice she gives everyone regarding

annexation. If and when the property owner's file an annexation petition she will then put it on the City Council agenda to approve a Resolution accepting the petition and then follow the steps outlined in State Law. The annexation process takes a minimum of three months.

Mayor Miller said the employee luncheon is on October 18 at noon. Mayor Miller said she has already received Open and Public Meeting Acts Training this year and excused herself from the meeting at 7:55 p.m.

City Recorder Stephanie Fricke said State Law requires every governing body to attend Open and Public Meeting Acts Training annually. She then played a training video presented by Utah League of Cities and Towns Attorney David Church (<https://www.youtube.com/watch?v=15V3WZY71js>).

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 8:30 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: October 19, 2017
As written