

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 21, 2016, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Kathleen Bingham, Jared L. Clawson, Paul C. James, Craig L. Rasmussen, and Aaron Woolstenhulme were present.

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 four citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

INVOCATION: Councilmember Clawson

APPROVAL OF MINUTES:

The minutes of a regular meeting on July 7, 2016 were approved with the following amendment to Page 88, Paragraph 2, change "Highway 165" to "4400 South".

ACTION

Councilmember Bingham made a motion to approve the minutes of a regular meeting on July 7, 2016 with the above amendment. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen and Woolstenhulme voted aye. The motion passed.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was FAXED and 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 July 21, 2016. Councilmember Clawson seconded the

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

8. PUBLIC COMMENT

9. PUBLIC HEARING:

A. To receive public comments regarding Hyrum City declaring 1.06 acres of real property located between 100 East and 69 East Main Street as surplus property and ordering the sale of such property (Parcels 01-042-0001 and 01-042-0002).

10. SCHEDULED DELEGATIONS:

A. Jasmine Salas - To request rental of Elite Hall for a family party and dance.

B. Curtis Knight - To discuss the conditions and requirements to be included in the annexation agreement for the proposed Knight annexation.

11. INTRODUCTION AND ADOPTION OF A RESOLUTION:

A. Resolution 16-27 - A Resolution declaring Hyrum City real property as surplus and ordering the sale or disposal thereof.

12. OTHER BUSINESS:

A. Consideration and award of bid for the 2016 Hyrum Road Projects.

B. To discuss placing a moratorium on commercial storage units.

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 COMMENTS REGARDING HYRUM CITY DECLARING 1.06 ACRES OF REAL PROPERTY LOCATED BETWEEN 100 EAST AND 69 EAST MAIN STREET AS SURPLUS PROPERTY AND ORDERING THE SALE OF SUCH PROPERTY (PARCELS 01-042-0001 AND 01-042-0002).

Mayor Miller said Hyrum City owns parcels 01-042-0001 and 01-042-0002 located at approximately between 100 East and 69 East Main.

This property once had a grocery store and two houses on it. Hyrum City purchased it over 12 years ago with the intent of the property being sold to the US Postal Service for a new post office. However, once Hyrum City purchased the property the Federal Government placed a freeze on new post office buildings. Since that time the Hyrum City Post Office has been remodeled and an addition was made to the building at its original and current location. Hyrum City considered building a fire station on the property several years ago, however, now the Fire Chief is recommending Hyrum City have small satellite fire stations throughout the City rather than one large station. This property will be divided into three single family dwelling building lots but could still be purchased for commercial uses since the property is zoned Commercial.

ACTION

Councilmember James made a motion to open the public hearing at 6:35 p.m. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

Sydney Allen said she lives directly north of the City's property and she doesn't want to have a mini-subdivision by her home. She is extremely concerned about low income families buying the lots since the lots are so small and located on Main Street. She said before she bought her property and built her home she came into the City and specifically asked City Administrator Brent Jensen and Ron Salvesen who was the Zoning Administrator at that time about what the City's plan was for its property. She was told with certainty that the property would be used for a fire station not homes. The City also promised they were going to put up an attractive fence along the north side of its property (which is the south side of her property). No fence has ever been installed and she wants the City to keep its promise to her. There was a gap between her property and the City's property on the County Recorder's maps and also it was marked when the property was surveyed. The County Recorder showed the gap on his map, but Hyrum City decided the gap should be its property and had the County change its legal description to include the extra property. Who gave Hyrum City that right to take that property and why wasn't she spoken to about it or given half of the gap property?

Councilmember Rasmussen said when determining gaps or overlaps in property they first make sure both parcels have the amount of property in the deed. If one parcel is short than that's the parcel that gets the extra property. In this case both parcels had the amount of property included in the deed, and the City

followed the necessary steps with the County Recorder's office to have the gap property deeded to the City.

Sydney Allen said she is extremely upset that the City isn't going to keep its promises to her. She would have never built her home there if there was even a possibility of homes going on that property. She was told by City Staff that residential houses would not be there that the property would be used for a fire station. Before the City sells the property she wants the fence installed as promised and she will not fight the City for the gap property it took without telling her.

Councilmember Woolstenhulme said if the City promised a fence then the City needs to do the right thing and install a fence.

Councilmember James said over time things change in a City and the City no longer has a need for a fire station on that property. He agrees the City should install a fence as promised if the property is developed with residential homes, however, if it is developed as commercial property then the owners of the commercial building will need to install the fence.

The City Council agreed that if the City's property is sold as residential lots the City will install a fence immediately upon sale of the lots, and if it is sold as commercial property then the new owner will be required to install a fence.

Mayor Miller asked if there was any further public comment, there being none she asked for a motion to close the public hearing.

ACTION

Councilmember Clawson made a motion to close the public hearing at 7:00 p.m. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

SCHEDULED DELEGATIONS:**JASMINE SALAS - TO REQUEST RENTAL OF ELITE HALL FOR A FAMILY PARTY AND DANCE.**

Mayor Miller said the City Council has not set an Elite Hall rental fee for a family party and dance. The City Council has to approve each rental if there is a dance whether it is a private or public dance. The rental fee for dances in the Elite Hall was previously set at \$1,200 for a dance with a \$2,000 deposit.

Jasmine Salas said she wants to rent the Elite Hall in August for a family party where there will be dancing. There will not be more than 100 people at the party.

Councilmember Woolstenhulme asked Jasmine if there would be an admission fee charged to come to the dance or party. He also asked if she was a resident of Hyrum.

Jasmine Salas said they are not charging a fee for the dance or party. She is a resident of Hyrum.

Councilmember Rasmussen said if the City wants the Elite Hall to be used the rental fee should not be as high as previously set. The City is trying to raise money to restore the building and what is the purpose of restoring it if we don't rent it for dances.

The City Council discussed rental rates charged for dances at the Elite Hall this past year and deposit fees. The City has charged a rental rate per person in attendance at public dances but this is a private dance so a rental rate per person should not be charged.

ACTION

Councilmember James made a motion to set the Elite Hall rental fee for Hyrum residents to use it for private family party dance and/or wedding at \$200.00 per day with a \$300.00 deposit; and to allow Jasmine Salas to rent the Elite Hall for a private family party and dance at the approved rental rate with deposit. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

CURTIS KNIGHT - TO DISCUSS THE CONDITIONS AND REQUIREMENTS TO BE INCLUDED IN THE ANNEXATION AGREEMENT FOR THE PROPOSED KNIGHT ANNEXATION.

Curtis Knight said he is the contact sponsor for the annexation and he is the one that went and talked to property owners about annexing into Hyrum and signing the annexation petition. He does not want anyone's current uses of their property taken away or diminished in anyway. Mike Larsen has horses and he wants to ensure he can continue to board and have animal rights for the number of horses he currently has. Armor Storage Units needs to continue to use Nibley City's water and not be required to connect or extend to Hyrum City's culinary water or sewer. Also Armor Storage Units wants to have open storage in their complex and wants

it a condition of annexation. These things are necessary or he will withdraw his annexation petition and try to see if Nibley City will annex his property.

Councilmember Woolstenhulme said this is the entrance into Hyrum City and it should be inside Hyrum City limits.

Curtis Knight said he wants the City Council to allow open storage or storage units on 4400 South and he will agree to no storage units or open storage within 400' of State Highway 165 on the other piece of property he owns. He does not have any plans for building storage units on the property, but wants his property to have the highest value and that comes when there aren't restrictions. If he annexes he doesn't want to be responsible for extending the water and sewer lines to his property. Water and sewer line extensions should be required at the time of development along with the water/irrigation shares of 3 acre feet per acre of ground. Mike Larsen said he signed Curtis Knight's annexation petition but is concerned about losing his animal rights he wants the City to grandfather his use of 75 large animals on the property.

The City Council discussed the conditions that need to be put into the annexation agreement: 1. Storage units are not allowed within 400' of State Highway 165; 2. Storage units are not allowed within 200' of 4400 South; 3. Open storage may be allowed but it must get site plan approval from the Planning Commission - custom tarps required (no blue tarps), privacy landscaping required, and 100' setback from 4400 South; 4. A 66' right-of-way deeded for the 4400 South road along the property he owns (or larger based on fire access requirements); 5. The 4400 South road paved to the entrance to his property; 6. Upon development of property water and sewer lines must be extended and paid for by the person developing the property; 7. Water shares of the 3 acre feet per acre of ground will be required at the time of development not at annexation (or for those buildings and homes already built upon connection to the City's water); and 8. Grandfather all current property owner uses including Mike Larsen 75 large animals.

A public hearing is scheduled for August 18 to receive comments regarding this annexation. The protest period for this annexation ends August 8, 2016, if a protest is received the annexation will be reviewed by the Cache County Boundary Commission.

INTRODUCTION AND ADOPTION OF A RESOLUTION:

RESOLUTION 16-27 - A RESOLUTION DECLARING HYRUM CITY REAL PROPERTY AS SURPLUS AND ORDERING THE SALE OF SUCH PROPERTY.

Mayor Miller said Resolution 16-27 will declare the two parcels located between 100 East and 69 East Main Street as surplus and order the sale of such property (Parcels 01-042-0001, and 01-042-0002). The resolution requires the property to be listed with a Hyrum real estate agent that is selected by the Hyrum City Council. City staff will notify Hyrum realtors about submitting a proposal for listing the property.

Councilmember Rasmussen said before approval of this Resolution is this really in the long term best interest for Hyrum City. Is there another use the City may need that property for at a later date. Once the property is sold the City will never get it back.

City Administrator Ron Salvesen said this piece of property is not conducive for a fire station and a park is not needed in this area of the City. He doesn't see any future need for this property.

ACTION

Councilmember James made a motion to approve Resolution 16-27 declaring Hyrum City Real Property as surplus and ordering the sale of such property. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

OTHER BUSINESS:**CONSIDERATION AND AWARD OF BID FOR THE 2016 HYRUM ROAD PROJECTS.**

Mayor Miller said the City received two bids for the 2016 Road Projects:

<u>Bidder Name</u>	<u>Bid Amount</u>
Kilgore / Johnson	\$179,013.68
Staker Parson	\$196,056.30

ACTION

Councilmember James made a motion to award the 2016 Hyrum Road Projects bid to Kilgore / Johnson in the amount of \$179,013.68. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

TO DISCUSS PLACING A MORATORIUM ON COMMERCIAL STORAGE UNITS.

City Administrator Ron Salvesen said as residential development

grows there will be a need for commercial development and there is not a lot of commercial property left in Hyrum. Most of Hyrum City's commercial zones are on State Highways. These highways are entrances and main arterial routes through our City. There are already storage units located along these State Highways and it maybe time for Hyrum City to consider some type of restrictions on allowing storage units to front Highways. The Planning Commission will need to work through any changes and hold a public hearing so a moratorium on approval of all storage units may need to be placed until the new ordinance is adopted.

The City Council agreed and asked for an ordinance placing a moratorium on approval of all storage units on the next City Council agenda.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Woolstenhulme said National Night Out Against Crime is scheduled for Tuesday, August 2 at 5:30 p.m. Life Flight is scheduled to arrive at 6:30 p.m. The Youth Council will help with drinks, and he asked the City Council to help him cook hamburgers.

Councilmember Rasmussen said the Elite Hall Restoration Committee is hosting a Fall Festival in September with a chili cook off, salsa competition, entertainment, and donation and sale of produce at the Elite Hall; and it also hosting an Art and Quilt Exhibit in November. The Museum Director Jami VanHuss received firm bids back on the restoration of the exterior brick on the Elite Hall. The bid was approximately \$70,000 higher than the original lowest estimate of \$230,000; but even with the additional money it is still lower than the original second lowest bid. She is in the process of writing grants to help pay for it.

Councilmember Bingham said she has been busy on Saturdays pulling the Hyrum City Float. There is a parade this Saturday in Mendon.

Councilmember Clawson said the Hyrum Library Summer Reading Program Closing Party is at the Logan Pool tomorrow night from 7:30 p.m. to 9:00 p.m. There will be a slice of pizza and a drink for everyone.

Mayor Miller said City Staff held a meeting to review the 4th of July Celebration and will be updating the "TO-DO" lists for each Councilmember and Staff. The City received a letter from the Cache County Sheriff's Office regarding safety concerns with candy being thrown during the parade. It was decided that people can still throw candy from the floats or vehicles but someone must be walking

along the side of the float or vehicle to keep children back. Also chairs and blankets will not be allowed on Main Street to reserve a spot for the parade until 5:00 a.m. the morning of the parade. This information will be included in newsletters throughout the year and will be posted along the parade route two weeks before the parade.

ADJOURNMENT:**ACTION**

**There being no further business before the City Council,
the Council Meeting adjourned at 8:35 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: August 18, 2016
As Written