

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 6, 2007  
AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 p.m.

**CONDUCTING:** Mayor W. Dean Howard

**ROLL CALL:** Councilmembers Martin L. Felix, Paul C. James, Stephanie Miller, Craig L. Rasmussen, and Douglas L. Stipes present.

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

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen and fifty four citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Citizen Linda Christiansen led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Citizen Bonnie F. Nielsen

**MINUTES:**

The minutes of August 2, 2007 were approved as written.

**ACTION** Councilmember James made a motion to approve the minutes of August 2, 2007 as written. Councilmember Miller seconded the motion and all five councilmembers voted aye.

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was faxed to The Herald Journal, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

Councilmember Stipes recommended removing item "6.B. August 16, 2007 Minutes" from the agenda.

**ACTION** Councilmember Stipes made a motion to approve the agenda with the above amendment. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

8. PUBLIC HEARING:
  - A. To receive public comment regarding a petition filed by Contact Sponsor Steven Baugh and property owners R. Lynn Nielsen, Stephen M. Wright, Troy Lowe, Arlyn E. Rounds, Vada Nielsen, Gina K. Lowe, Haven B. Hendricks, Kirt Lindley, Jan Lindley, LaVon McBride and Michael Wells Pitcher proposing the annexation of 549 acres of real property, located at approximately 600 West to 1100 West between 300 North and 900 South or the Cache County address is approximately 1800 West to 2300 West between Highway 101 and 6200 South (Little Bear Parkway Annexation - Formerly known as West Hyrum Annexation).
9. SCHEDULED DELEGATIONS:
  - A. Todd Pignataro, Hidden Valley Planned Unit Development - To request preliminary plan approval for Hidden Valley Planned Unit Development consisting of 102 lots and located at approximately 675 West 100 North.
10. INTRODUCTION AND ADOPTION OF RESOLUTION:
  - A. Resolution 07-18 - A resolution requesting the recertification of the Hyrum City Justice Court.
11. OTHER BUSINESS:
  - A. Proposal to sell real property.
  - B. Budget report.
  - C. Mayor and City Council reports.
12. ADJOURNMENT

***PUBLIC HEARING:***

**TO RECEIVE PUBLIC COMMENT REGARDING A PETITION FILED BY CONTACT SPONSOR STEVEN BAUGH AND PROPERTY OWNERS R. LYNN NIELSEN, STEPHEN M. WRIGHT, TROY LOWE, ARLYN E. ROUNDS, VADA NIELSEN, GINA K. LOWE, HAVEN B. HENDRICKS, KIRT LINDLEY, JAN LINDLEY, LAVON MCBRIDE AND MICHAEL WELLS PITCHER PROPOSING THE ANNEXATION OF 549 ACRES OF REAL PROPERTY, LOCATED AT APPROXIMATELY 600 WEST TO 1100 WEST BETWEEN 300 NORTH AND 900 SOUTH OR THE CACHE COUNTY ADDRESS IS APPROXIMATELY 1800 WEST TO 2300 WEST BETWEEN HIGHWAY 101 AND 6200 SOUTH (LITTLE BEAR PARKWAY ANNEXATION - FORMERLY KNOWN AS WEST HYRUM ANNEXATION) .**

Mayor Howard said the Public Hearing is for the Little Bear Parkway Annexation Petition, not the Richard Miller Annexation Petition. Comments should be directed towards the Little Bear Parkway Annexation Petition. He asked Jerry Robinson the architect over the Little Bear Parkway to give a short presentation on the project. After Jerry's presentation each member in the audience will have two minutes to comment on the annexation.

Jerry Robinson said the Little Bear Parkway project includes approximately 760 acres in the Little Bear Parkway Annexation and

**AMENDED** the Richard Miller Annexation. There will be a main ~~artillery~~  
**10-04-07** arterial road with four lanes and a planter strip running through  
the entire project. There will be a variety of housing densities  
from 18 units per acre to 1 unit per acre. An 18 hole golf  
course with a club house in the center of the development.

**ACTION** **Councilmember Stipes made a motion to open the public  
hearing for one hour to discuss the Little Bear Parkway  
Annexation Petition at 6:46 p.m. Councilmember  
Rasmussen seconded the motion and all five  
councilmembers present voted aye.**

Cody Merchant said he is a property owner that is being forced to  
annex. He asked if he would be required to connect to city  
services and if he would retain his animal rights.

Bill Oren said this could be a good addition to Hyrum City and  
will bring in additional revenue, if the project is done right.

Bryan Lilienquist said he has known Steven Baugh for over 30  
years. He has left his heart in Cache Valley and this project  
will stand out and be known throughout the State. This will be a  
wonderful thing for Hyrum and it is making a progressive  
statement. This will change the traditional neighborhoods and is  
a great edition to the valley.

Bonnie Nielsen said she is not opposed to the annexation if all  
the conditions are met. There needs to be adequate capacity in  
the utility systems (water, power, sewer, etc.) so as not to  
negatively impact the current residents of Hyrum City. That the  
full cost of extension of utilities and other development costs  
are born by the developer. No Hyrum City funds should be  
expended to benefit new development. Numerous studies have shown  
that homes have a negative fiscal impact on city government. For  
every dollar a city spends it costs an additional dollar to  
provide services. Business and industrial, on the other hand,  
pay their way. The burden of paying for this development should  
not be placed on the current residents.

Barbara McBride said she owns property that is in the City and  
County. She is not in favor of the annexation. The proposed  
developers of the Little Bear Parkway have not been honest and  
have used unethical tactics to force neighbors against each  
other. They have pitted neighbors against each other by telling  
several property owners that he/she is the only one that has not  
agreed to sell and that in order for this development to go  
through the developers need his/her land. The developers are  
probably using this same type of tactic with the City to get the  
City to annex the land quickly. Hyrum City should proceed with  
caution and carefully look at what is going on. Developers think  
they are the experts and they know what is best for our  
community, but not one of these developers live in our City. They

would have you believe green space or open space is accomplished by building a golf course in this area and clustering residential dwellings with cookie cutter lots around it. They would also have you believe that neighboring subdivisions that might compete with their project are the enemies.

Jeff McBride said the developers are showing us a perceived ending for their development. Their vision does not have enough detail in the beginning to guarantee the ending. His farm land has been included in the annexation and he does not want it annexed. His family has farmed that land for 147 years, what guarantee does he have that he will not lose his heritage when development occurs all around him. What will happen to the deer, pheasants, foxes and other species of animals that have called this area home for centuries? What will happen to those who now enjoy using their property for a close hunt with their sons or daughters, or my neighbors who site in their guns prior to the deer hunt? The developer says he has spoken with the Bureau of Reclamation, Irrigation Companies, and UDOT. However, the developer has shown no proof of that. He contacted a couple of the irrigation companies regarding this development and was told no one had contacted them and the other one hadn't even heard of the development. There are Indian burials in the proposed development and the Bureau of Antiquities protects these burials. He is a resident of Hyrum and does not want his property tax nor utility rates to increase because of this development. The proposed development has one access and that is off of 300 North and 900 West. The people living in this development will turn west on 300 North and take their sales tax dollars to Logan or Wellsville not Hyrum.

Scott Bushman said he lives in Hyrum and found out about this annexation through the Herald Journal. He used to live in Farmington and has seen what upscale developments can do to a small city. Farmington is now a segregated community there is the new and the old. The people who live in the old part of Farmington are being forced out. As a resident of Hyrum City he opposes this annexation because he doesn't see the benefits to Hyrum City nor its citizens. Upscale development can segregate and isolate a community. The citizens of Hyrum expect a certain quality of life and things are changing and we could lose the lifestyle that is most precious to us. People are moving out of Hyrum, because they don't like the direction Hyrum is moving in.

Alisha Brown said her father Jack Brown could not be in attendance and asked her to present his concerns. He owns a farm adjacent to the proposed development. In order to protect his rights to farm he put his land into an Agricultural Protection Zone several years ago. He wants Hyrum City and the developer to be aware of his farm operations and his intentions to continue farming, before the City approves 18 units per acre adjacent to his farm. He operates heavy machinery all hours of the night, he

flood irrigates, he spreads manure over his crops, and he keeps cattle on his land. Bulls and cows are unpredictable he worries about children climbing over his fence and getting hurt. Land uses should compliment each other and 18 units per acres adjacent to a working farm seems like just the opposite.

Ben Harcastle said he lives on the Meridian Road and he opposes this annexation. He has not been contacted by Hyrum City nor the developer regarding this project. His property is not included in the annexation, but will be affected by it. It is a serious injustice that property owners near this project have not been notified. The City and developer should have respect for the rights of individual property owners. He attended a meeting where the developers talked about 10 to 13 units per acre and this type of development will affect all of the property owners near this project. He is not a planner, but he is a thinker and this is not right.

Dan Christensen said he doesn't want to personally attack the City, but this annexation is a personal attack on his family and property. He chose not to live in a City, but now he is having that choice taken away from him. His property is included in the annexation petition and he is not in favor of it. In a previous meeting Mayor Howard has said he didn't favor annexation if it infringed on private property owners. This development will infringe on water and other city resources that may already be stretched thin. The developer changed the annexation petition to leave out property owners that did not support the annexation. This annexation proposal will develop hundreds of acres of property.

Stanley Griswold said he opposes the annexation for personal reasons. It will not be of benefit to him, he has all of the utilities he needs. Annexation will increase his property taxes and may force him to connect to City utilities. He recognized the City's desire to upgrade Hyrum City's image, but he questions whether a suburb of Hyrum will accomplish that. He hopes the City Council will consider the increased expense of maintaining the road.

Wendy Christensen said this is annexation without representation. Her husband served in the military for twenty years and her son and daughter-in-law are on active duty in the military. They believe in this Country, and the rights of the citizens in this Country. She believes Hyrum City has trampled on her rights and that Hyrum City owes her more than two minutes. She has grandchildren who play in her yard without supervision. The developers are promising this same type of living to those potential residents of their development, but the developers are taking away the safety of her grandchildren by building a four-land road to the side of her home. Who is going to buy these homes that the developers are proposing to build? She asked the

City Council to answer her three questions: 1) Who is going to protect her children and grandchildren; 2) Is Mayor Howard going to back up his statement that he will not proceed with annexation at the expense of the residents?; and 3) Who is going to buy these expensive homes that the developers are proposing to build?

Rhonda Griswold said she is opposed to the annexation. She purchased her property in the County to live in a rural atmosphere. Her definition of rural is different than the developers. Rural to her means natural vegetation, sandhill cranes, pheasants and doves. She considers this development to be urban sprawl. Open space and green space is what she has now, she doesn't need a golf course to obtain that. If she is going into business with someone she needs to trust that person and these developers are not trustworthy. She hopes Hyrum City will review the financial commitment for this project. The developer may build all the improvements, but Hyrum City will be left with the liability forever.

Roy Hugie said he owns 35 acres that is included in the annexation petition. He is neutral on the annexation, but would like to know the sequence of events and the time frame that is expected on the annexation. He has several questions that he would like Mayor Howard and/or the City Council to address dealing with greenbelt status, animal rights, hunting and fishing, and trespassers. He asked Mayor Howard to address the process of annexation first.

Mayor Howard said tonight's public hearing is for citizen input not for the Mayor and City Council to infuse their own remarks. He recommended anyone with questions to call the City Offices and make an appointment to meet with him.

Linda Christiansen said she owns property that is included in the Miller Annexation. The Miller Annexation public hearing was held over ten years ago. They have waited that long for a developer to come along with a vision and ability to develop this land. This will be a benefit to Hyrum City and she will be very proud to have contributed land to this project.

Lennis Christiansen said he was Hyrum City's Power's Superintendent for numerous years. Some of this property is currently being served by Rocky Mountain Power. Rocky Mountain Power is boxing Hyrum City in. The developer nor Hyrum City will be able to afford to buy Rocky Mountain Power out. The only way to generate additional revenue is to raise the cost of power. He would like to see the property annexed so that Hyrum City had something to be proud of.

Lynn Nielson said he owns property in the annexation and would like it to be annexed into the City so a nice development could be built. It will benefit the whole Valley.

Steven Wright said he owns 60 acres that is included in the annexation. He has farmed the land for over 30 years and it is not profitable anymore to farm. This land is his retirement, a farmer doesn't have the option of a 401K. The County restricts the number of times he can divide his property. He will divide his property into larger parcels in the County or his land can be part of the proposed development if annexed into the City.

Craig Burdett said he lives in the Miller Subdivision and he has a haunch that no matter what is said tonight will change the City Council's mind. He likes the rural atmosphere, dark sky, and wildlife. He is not opposed to progress. His home will overlook the proposed golf course, but he would really like to see the land remain as it is now.

Carol Burdett said she is concerned about the additional traffic on the spillbowl road. If the spillbowl road is closed, the residents that live south of it will have a longer distance to travel to come into Hyrum. It will mean longer bus rides for the kids and will take her longer to get to Riddleys Grocery Store. She likes some of the ideas of the development but not all of them.

Lavon McBride said he is a very small land owner and his property is included in the proposed development. He is in favor of the annexation.

Matt McBride said he lives at 42 West 300 South and his land is not part of the annexation, but what happens with the annexation will have an effect on him and his family. Someone is going to have to pay for the things the developer has forgotten about and that will be Hyrum City. He is worried about the fees that could come from this development and he can not afford anymore. He does not want to have to move his family because he won't be able to afford to live in Hyrum.

Tim Brown said he owns Tim's Diesel Repair located next to the proposed annexation and his house on the Meridian Road and is included in the annexation. He built his home a year ago and it cost him \$30,000 for a well and septic tank, he doesn't want to have to pay additional fees to connect to Hyrum City's water and sewer. His diesel repair shop is his livelihood. There are refer trucks that run all day and all night, and he uses noisy equipment all day and most nights. He is concerned about being ran out of business.

Darren Nielsen said he does not live in Hyrum City but his house will be adjacent to City limits if this annexation goes through. He likes to golf and always wanted to retire with a house on a golf course, but he doesn't want it now. He doesn't want the developers to utilize his private road. He advised the City Council to be cautious and require the developer to provide proof

of financial backing to carry the project through.

Carrie Baugh said she is not currently a resident of Hyrum City, but she would love to be. Currently the only big trail system is in St. George. When she visits there with her kids she is off the road and she is safe. Currently there is no place like that in Cache Valley. She is a big advocate of her stroller and skates, but she has been runoff the streets in Wellsville, Hyrum and Logan, and it is really scary. She is excited about creating a legacy and having a safe place for future generations to get on the trail systems and go. She would love to be able to go horseback riding and not have to load them in a trailer. She would love to get on a trail system and go. She is very excited to be able to be part of it and to live in a development like this.

Councilmember Miller said Dennis and Madeline McBride were unable to attend tonight's meeting but asked her to read a letter in their behalf. Dennis and Madeline wanted to be a part of this meeting. They have several concerns about this annexation: 1) Why should we change our lives for other peoples gain? 2) Our family enjoys hunting and target practice, and teaching their kids about gun safety. How will this change if annexed? 3) Will annexation change our taxes? 4) If the property stays in the County there will be less growth and they will be able to keep their country living. 5) We should not be threatened to believe that someone else will come in and take over this property, like Mount Sterling. 6) Ten or fifteen years ago would these people have given up their land so easily, no money talks. Dennis and Madeline both vote no to the annexation.

Mayor Howard said he appreciated the comments made during the Public Hearing.

**ACTION Councilmember Stipes made a motion at 7:35 p.m. to close the public hearing.**

Von Farnsworth asked if he could take a few moments. He is a resident of Providence and is involved in this development. People have expressed their concerns about the financial status of this project, but he would not be involved if the financing wasn't secure. He has a nice home in Providence, but he can't go out and walk on trails, and there are no parks. He introduced Frank Masey from Denver, Colorado.

Frank Masey said he is a Commercial Broker and owner of Hawks Point Commercial Capital in Denver, Colorado. He has a client that is prepared to invest \$120 million once this property is annexed. This investor has committed to the first phase which is a three to five year term, the entire project is seven to ten years. This investor has offices in Hong Kong, New York, and Canada. They are big company and are ready to invest upon

annexation. This is one of the best projects that has come across his desk.

**At 7:40 p.m. Mayor Howard called for second on the motion by Councilmember Stipes. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.**

***SCHEDULED DELEGATIONS:***

**TODD PIGNATARO, HIDDEN VALLEY PLANNED UNIT DEVELOPMENT - TO REQUEST PRELIMINARY PLAN APPROVAL FOR HIDDEN VALLEY PLANNED UNIT DEVELOPMENT CONSISTING OF 102 LOTS AND LOCATED AT APPROXIMATELY 675 WEST 100 NORTH.**

Zoning Administrator Ron Salvesen said on August 9, 2007 the Planning Commission recommended preliminary plan approval for Hidden Valley with the following conditions: 1) The trail system within the development will be at the Homeowner's Association's discretion and the trail system along the canal would open to the public; 2) Street layout be allowed to use street names due to the way they are drawn; 3) The Planning and Design Review Committee include the Zoning Administrator and or a member of the Planning Commission; 4) The Homeowner's Association will be required to repair the streets if needed for repairs due to water, sewer or electricity; and 5) Hyrum City to take over the sewer, culinary water, and electrical systems.

Todd Pignataro said he wants to build a couple of model homes in his development that will stay model homes until they are done building that type and style of home. Once a specific amount of houses have been built with that plan then it will no longer be used. He is hoping the City will give him permission to build the model homes before all of the utility improvements are completed. He is going to give the Homeowner's Association the power to control the ability to close the trails if there are excessive problems with the public using the trails. He is going to allow on street parking on the side of the street without sidewalk. The houses will have to be a minimum of 1,600 square feet with a two car garage. Hidden Valley will not be a cookie cutter subdivision with homes that are identical. He wants the houses to represent a certain style but not look the same. In order to accomplish this there will be a Design Review Board that functions under the Homeowner's Association. The Design Review Board will look at the design, color, and layout of the house.

Councilmember Rasmussen said he is concerned about the storm water basin not being large enough. The size may not be adequate for a detention area.

Todd Pignataro said if there is a problem with the size of the

storm water basin then he will loose a lot rather than cut down the existing trees.

Jerry Robinson said he is concerned that there will not be a connection to access other properties that are to be developed under the Little Bear Parkway.

Todd Pignataro said he doesn't have any responsibility to provide an access to a developer or a property owner.

Leon Savage said Jerry Robinsons is referring to the Pitcher property and the Pitcher property can be accessed through South Cache Subdivision. Due to the topography of Hidden Valley there is not a place where access can be given to the Pitcher property.

Jerry Robinson said if the City approves this development Little Bear Parkway will not have a road that connects it to 400 West.

Todd Pignataro said he doesn't have the money to wait to see if the Little Bear Parkway development goes through before he starts his project.

**ACTION** Councilmember Stipes made a motion a motion to approve the preliminary plan for Hidden Valley Planned Unit Development. Councilmember Miller seconded the motion and all five councilmembers voted aye.

***INTRODUCTION AND ADOPTION OF A RESOLUTION:***

**RESOLUTION 07-18 - A RESOLUTION REQUESTING THE RECERTIFICATION OF THE HYRUM CITY JUSTICE COURT.**

Mayor Howard said Resolution 07-18 requests the recertification of the Hyrum Justice Court. This resolution must be approved and submitted with an application for recertification.

**ACTION** Councilmember Stipes made a motion to waive the first reading rule for Resolution 07-18. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

**ACTION** Councilmember Stipes made a motion to approve Resolution 07-18 requesting the recertification of the Hyrum City Justice Court. Councilmember James seconded the motion and all five councilmembers voted aye.

***OTHER BUSINESS:***

**PROPOSAL TO SELL REAL PROPERTY.**

Mayor Howard said the Forest Service will no longer consider a

proposal to trade the upper 40-acre Left Hand property for land more suitable to municipal purposes. He proposed the land be offered for sale. City staff posted a "For Sale" sign on the land and it has generated a list of 17 persons interested in the property. If the City Council decides to sell, it needs to decide how, whether it be by bid, offering, or auction and what minimum or reserve amount to set.

Councilmember Rasmussen suggested getting an appraisal on the property to determine the minimum reserve price.

Councilmember Stipes suggested auctioning it off at a minimum price of \$250,000.

**ACTION** Councilmember James made a motion to auction the upper 40-acre parcel in Left Hand for a minimum of \$200,000.  
**AMENDED** Councilmember sStipes seconded the motion and all five  
10-04-07 councilmembers voted aye.

#### **BUDGET REPORT.**

City Administrator D. Brent Jensen reviewed and compared the usage and cost of power over the past several years. If the City Council annexes the Little Bear Parkway with the proposed density of 3,200 units it will increase Hyrum City's load by approximately 150% or more. Hyrum City will have to find additional sources of power to purchase.

Councilmember Rasmussen said if this annexation goes through and we have to purchase additional power can that area be charged a higher rate. It would not be fair to the existing residents if they had to pay a higher electric rate because this property was annexed.

City Administrator D. Brent Jensen suggested offering the citizens and business of Hyrum the opportunity to purchase green power at a higher rate. Customers could buy additional power in 100 kilowatt hour blocks for \$1.95 per month for each block. Our average residential consumption is approximately 650 kWh per connection. At that rate, our monthly billing totals \$51.51. Last year, our blended rate was \$46.66 per megawatt hour. Our wind power averaged \$63.16, an increase of 35 percent. If we charged a higher rate it would help offset some of the additional cost of wind power and make people feel better about the energy they use. Not everyone could buy green power, but we ought to provide those who want it an opportunity to do so.

Mayor Howard asked City Administrator D. Brent Jensen to continue to research how much green power Hyrum City could offer to the residents and at what cost.

Mayor Howard said the City is still short \$1.5 million dollars in donations and contributions for the new library and museum.

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember James said he is doing the majority of the work for the Elite Hall dances. If attendance does not increase and if he can't find someone to help he is going to cancel the dances.

Councilmember Miller said the Youth Council is going to help with the Top of Utah Marathon. It will need tables and chairs set-up in the canyon similar to last year.

**ADJOURNMENT:**

**ACTION**            **There being no further business before the Council, the Council Meeting adjourned at 9:05 p.m.**

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: October 4, 2007  
                    As amended