

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JULY 18, 2019, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Mayor Stephanie Miller

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

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

**OTHERS PRESENT:** Twenty-three citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

**INVOCATION:** Mayor Miller

**APPROVAL OF MINUTES:**

**ACTION** Councilmember Bingham made a motion to approve the minutes of a regular meeting held on June 20, 2019 as written. Councilmember James 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 July 18, 2019 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

9. SCHEDULED DELEGATIONS:
  - A. Jake Thompson, CobbleCreek Townhomes - To request Final Plat Approval for CobbleCreek Townhomes a Planned Unit Development located at 230 North 800 East consisting of 27 townhome units, and a commercial area.
  - B. Lacy Hansen - To discuss holding movies in the park.
  - C. Leon Savage - To discuss potential development of property located between 120 South and 20 North and 750 West to 950 West.
10. INTRODUCTION AND APPROVAL OF RESOLUTIONS:
  - A. Resolution 19-13 - A resolution declaring certain Hyrum City real property as surplus and ordering the sale thereof.
  - B. Resolution 19-14 - A resolution amending Hyrum City's Subdivision and Land Use Submission Fees.
  - C. Resolution 19-15 - A resolution accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Cache County Shop Annexation - Cache County and LaGrande Johnson Construction 84.108 acres).
11. OTHER BUSINESS:
  - A. Appointment to the Hyrum Library Board.
  - B. Discussion on wastewater rates.
  - 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.

Frank Kemer said he lives in Green Villa Estates and has been there for over 18 months. He loves living in Hyrum and he never wants to move again. However, there are numerous problems that exist with craftsmanship and the development of Green Villa Estates. He has contacted Jake and Rod Thompson on several occasions to discuss the problems that need to be fixed and nothing has been done. He also spoke with the management company Parker Real Estate about the issues and they have done nothing also. He is discouraged with the developer and does not understand why some of these issues, such as, entry doors not being painted, wiring problems, sprinkler problems, plumbing issues, no playground equipment installed and no sign or light at the entrance to the development have not been taken care of. Recently he was contacted by an attorney who is going to put a lien on his property and three others one for HVAC equipment not being paid for. This attorney

is threatening a lien on the property to force existing home owners to pay for something they had already paid for in the purchase of the townhome. The developer needs to make this right but the developer never contacts the residents of Green Meadow Villas and so none of the residents know what is going on. The developer should have paid for the HVAC equipment and the developer should be working with the attorney this should not be his worry.

Jonathon Eliason said he too has contacted the developers Rod and Jake Thompson to discuss issues he has with his townhome. He has spoken with them on several occasions but nothing ever gets done. He is extremely frustrated with them and wanted to caution the City that it should require these developers to finish a project right before approving another one. His wiring in his townhome has serious problems. His dryer wouldn't work when it was plugged in and after hiring an electrician, he found out that it had been wired to the wrong breaker and that is why the breaker kept tripping. His light bulbs kept burning out so he had the electrician fix them also the wires weren't connected good enough causing shortages. His front entry way needs painted still but the developers won't do anything about it. There is rebar in his front porch cement that is sticking out but the developer won't take care of it. He is extremely frustrated that he has complained several times and the developers have done nothing to fix the problems leaving him to fix the wiring issues in a brand-new townhouse.

Linda Kemer said there is a serious lack of communication between the developer and the tenants of Green Meadow. The residents deserve a definite time line as to when things are going to be fixed. The developers need to be held responsible for what they say and actually follow through with it. She had an electrical outlet in her home that started to smoke and the outlet outside never worked. She told the developer but they did nothing so she too hired her own electrician to fix the problems. Her electrician found loose wires in several outlets and switches. There are serious safety issues with things that have not been completed correctly. She wants these issues to get resolved with a timeframe commitment from developers rather than complaining and nothing getting done.

Elizabeth Ryan said she also bought a townhome in Green Villa and is not happy with the developers and their lack of concern about getting things taken care of. She worked in the building department in Box Elder County and she does not know how some of these problems were passed by an inspector. There are a lot of

safety issues with rebar sticking up out of cement. A resident Hector Castro had issues with water leakage that caused damage to his smoke detectors and wiring. He contacted the developer but nothing happened and he needed the bathroom where the water was coming from so he fixed it himself. When he got to the plumbing pipes there was one that had not been properly sealed. He fixed it including patching his sheetrock. This issue is not inclusive but one of many issues that continually happen that aren't taken care of by the developer. She submitted a list of complaints from several owners in Green Villa Estates to the City Council. There are dead trees that need replaced, lawn needs fixed and reseeded in areas, sprinkler heads need replaced, broken fence post, gravel rocks outlining wetland area are not secured and continually slide into the wetland area, issues with air conditioners, light switches and outlets that don't work, and many other issues that are addressed in the letter.

**OTHER BUSINESS:**

**JAKE THOMPSON, COBBLECREEK TOWNHOMES - TO REQUEST FINAL PLAT APPROVAL FOR COBBLECREEK TOWNHOMES A PLANNED UNIT DEVELOPMENT LOCATED AT 230 NORTH 800 EAST CONSISTING OF 27 TOWNHOME UNITS, AND A COMMERCIAL AREA.**

Jake Thompson said he is the developer of the Green Villa Estates and he was not aware of these issues that he has hired Parker Real Estate to manage the property and he will contact them about these issues. There has been a lack of communication between the management company and the residents. He will work with Parker Real Estate to remedy these problems. There are subcontractors that will need to come in and finish or repair the problems. He has been working with his Attorney and Parker Real Estate of the lien that is being threatened on these townhome owners. He has been very diligent in taking care of the problem. The contract was paid, but never paid his bill to the HVAC company.

Councilmember Bingham said it is not fair to the homeowners that their concerns aren't being taken care of and that they have not been informed by Jake and Rod Thompson on the steps they are taking to resolve the lien issue.

Jake Thompson said he is working on creating a punch list that can be used to take care of these problems in Green Meadow Villas.

Councilmember Rasmussen said he is greatly concerned about starting another project with a developer that has so many issues

that are unresolved in a current development in Hyrum. He is very reluctant to move forward with CobbleCreek Townhomes when it is clear that the developer hasn't addressed the resident's issues that were promised by the developer.

Councilmember James said until the lien has been cleared, he doesn't want to approve anything from this developer.

Jake Thompson said the problem isn't with the homeowners or the City these issues are his as a developer and his property management company should have addressed these problems already. He will work directly with the property management company and residents of Green Meadow Villas to resolve these issues.

Councilmember Adams said there is no excuse for the playground not be installed since April and for him not addressing issues with his development with the residents. The developer needs to resolve all these issues before the HOA is turned over the residents.

Jake Thompson said he has had problems with his contractors and they are all so busy no one wants to do the work. He has already paid them but can't get them to come back and install the playground equipment. He will install the playground equipment himself if he has to so it can be completed by end of August.

Councilmember Rasmussen said he still has many concerns with the final plat and things he has asked before to have done are still not showing on the plat. The roads are not wide enough, he has told Jake that several times but now they have gone from 31' to 23'. The open space around the storage units is being considered as open space for the PUD and he doesn't believe that is the intent of the open space required for a PUD ordinance. There are issues with easements, space requirements, cell phone tower, landscaping, etc. The storage units need to be taken out of the HOA or the HOA will be responsible for snow removal and its roads.

Jake Thompson said he spoke with City Administrator Ron Salvesen and he suggested Jake add a couple more trees with a trail around the property including the storage unit area. This would give people a place to exercise. So based on Ron's advice he added the trail.

Councilmember Rasmussen told Jake Thompson that Jake just didn't add it to have more open space but he was doing it because more open space was needed to meet the City's PUD open space ordinance. Councilmember James said the roads are too narrow there is not

enough room to back a truck out of the garage.

Jake Thompson said there is room because the garages all back up to parking stalls. The parking stalls will give more room for people to backout.

Councilmember James said the parking stalls shouldn't be counted in the road width. If there was a car parked there a truck wouldn't be able to back out of the garage due to space limitations.

**ACTION**

Councilmember Rasmussen made a motion to table the final plat until either the Mayor or two City Councilmembers bring it back of the table and for the final plat to be returned to the Planning Commission for its review of the open space requirements for the Planning Commission to determine if the open space around the storage units is in line with the intent of City Code. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**LACY HANSEN - TO DISCUSS HOLDING MOVIES IN THE PARK.**

Lacy Hansen said she wants to hold Movies in the Park night on the City Square on Friday nights. There would be no charge and she would take care of all the arrangements. This is a great way to involve the citizens and have them come together. Other communities have movie nights and they are usually well attended. She asked the City Council if it would support this type of use in on the City Square and allow her to hold movies in the park. She would like to have the first Movie Night be August 16.

**ACTION**

Councilmember Clawson made a motion to allow Lacy Hansen to use the City Square for a community event "Movie in the Park Night" and for the City to order signs that could be put up around the square to help advertise it. There will not charge for the rental and to allow her to do a double feature if she wanted. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**LEON SAVAGE - TO DISCUSS POTENTIAL DEVELOPMENT OF PROPERTY LOCATED BETWEEN 120 SOUTH AND 20 NORTH AND 750 WEST TO 950 WEST.**

Leon Savage said he owns property between 120 South and 20 North

and 750 West to 950 West. It is located near the river bottoms and he wants the property developed right and doesn't want to sale it to a developer and have the developer make a bunch of small lots. He is looking at creating ten or so lots that would range from two and one-half acres to five acres. He does not want to put curb and gutter nor sewer lines in. Septic tanks would work on these larger lots. These lots could be used for horse lots and would help maintain the aesthetics of the river bottoms.

The City Council all agreed this type of development is greatly needed in Hyrum and encourage Leon to move forward with his plans for this property.

***INTRODUCTION AND APPROVAL OF RESOLUTIONS AND AN ORDINANCE:***

**RESOLUTION 19-13 - A RESOLUTION DECLARING CERTAIN HYRUM CITY REAL PROPERTY AS SURPLUS AND ORDERING THE SALE THEREOF.**

Mayor Miller said this Resolution will transfer the City property that was fenced out of Pride Park to Rob Wolfley who is the owner of the property adjacent to this piece. He has completed the survey and title work and is requesting the City Quit Claim the property to him. The City Council discussed this at its last City Council Meeting.

**ACTION** Councilmember Clawson made a motion to approve Resolution 19-13 declaring certain Hyrum City real property as surplus and ordering the sale thereof. Councilmember James seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**RESOLUTION 19-14 - A RESOLUTION AMENDING HYRUM CITY'S SUBDIVISION AND LAND USE SUBMISSION FEES.**

Mayor Miller said the proposed resolution will change the mini-subdivision filing fee from \$100 plus \$15.00 per lot to a flat \$200 fee. Also, it will add a \$50.00 fee for any item that needs recorded at the Cache County Recorder's Office.

**ACTION** Councilmember James made a motion to approve Resolution 19-14 amending Hyrum City's Subdivision and Land Use Submission Fees. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**RESOLUTION 19-15 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (CACHE COUNTY SHOP ANNEXATION - CACHE COUNTY AND LAGRANDE JOHNSON CONSTRUCTION 84.108 ACRES).**

Cache County Planner Josh Runhaar said Cache County owns property adjacent to City limits and the County wants to build a new County Road Facility at this site. The County would evacuate the one it is currently at in Logan and this site will house the main facility and majority of equipment and then there will be a small satellite station on the north side of the Valley. The County has worked out an agreement with Kilgore's to use its access, sewer, and water mains with separate meters.

Paul Leonhardt with JUB Engineering said JUB has researched past, current, and future water use for the facility and is suggesting the City allow the County to turn in 11 acre feet of water rather than 3 acre feet per acre of ground.

The City Council reviewed the current and future water use of the site and agreed to allow them to turn in 11 acre feet with the annexation agreement addressing that at anytime if more than 11 acre feet of water is being used that Cache County will be required to buy water rights from the City or turn in additional shares.

Cache County Planner Josh Runhaar agreed that the County would turn in or buy additional water shares if it goes over the 11 acre feet.

**ACTION**

Councilmember James a motion to approve Resolution 19-15 accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Cache County Shop Annexation - Cache County and LaGrande Johnson Construction 84.108 acres). Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**OTHER BUSINESS:**

**APPOINTMENT TO THE HYRUM LIBRARY BOARD.**

**ACTION**

Councilmember Clawson made a motion to appoint Amy Burton to the Hyrum Library Board. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham,

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

**DISCUSSION ON WASTEWATER RATES.**

Mayor Miller said the City is going to have to increase sewer rates. The City is going to have to borrow more money to complete the upgrades to the Wastewater Treatment Plant. Interest rates could be between 3.37 to 2.75%. As the City progresses towards building a new plant the City Council needs to be aware that rates are going to have to be increased.

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Miller said July 24 is a State Holiday and the City Offices will be closed. City Staff has reviewed the 4<sup>th</sup> of July Celebration and additional items have been added to the checklist. She has asked City Staff to contact UDOT about painting white lines down Main Street so it is actually legal for people to park on Main Street and it will also act as a guide for how far kids could come out during a parade.

Councilmember Adams said he was contacted by a family who had reserved the Canyon Campground and they were extremely unhappy about the condition of the campground and AJ's park. The grass needs mowed and taken care of and there are campsites that are unusable. National Night Out Against Crime is on August 6 at 6:00 p.m.

Councilmember Rasmussen said the Elite Hall Restoration Committee is working with an architect on revising the drawings for the Elite Hall annex.

Councilmember Bingham said there are only a couple of parades left for the year.

**ADJOURNMENT:**

**ACTION**

**There being no further business before the City Council, the Council Meeting adjourned at 8:40 p.m.**

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Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: August 1, 2019  
As Written