

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 7, 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: City Administrator Ron Salvesen, and 29 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Mayor Miller led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: City Administrator Ron Salvesen

APPROVAL OF MINUTES:

The minutes of a regular City Council Meeting held on January 3, 2019 were approved as written.

ACTION

Councilmember Bingham made a motion to approve the minutes of a regular City Council Meeting held on January 3, 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.

Mayor Miller said item "9.B. Jared Imbler - To discuss allowing a plant nursery in the Residential Agriculture (RA) Zone" needs to be removed from the agenda because Jared Imbler was unable to attend tonight's meeting.

ACTION

Councilmember Clawson made a motion to approve the agenda for February 7, 2019 with the above amendment. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

AGENDA

9. SCHEDULED DELEGATIONS:
 - A. Jennie Miller - To request a Home Occupation Business License at 129 South 1100 East for lash extensions and hair removal services.
 - ~~B. Jared Imbler - To discuss allowing a plant nursery in the Residential Agriculture (RA) Zone.~~
 - B. Dayton Crites, Cache County Trails Planner - To discuss bike lane options and alternatives for short term and long term goals for trail systems.
 - C. Mike Smith, Blacksmith Fork Villas HOA - To discuss Home Owner Association in Blacksmith Fork Villas concerns.
 - D. Blaine Anderson - To discuss a pioneering agreement for sewer and water lines on 200 North between 100 and 200 East.
10. INTRODUCTION AND ADOPTION OF AN ORDINANCE:
 - A. Ordinance 19-02 - An ordinance amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (Roger Clawson Annexation).
11. OTHER BUSINESS:
 - A. Budget report.
 - B. Consideration and appointment to Planning Commission.
 - 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.

Dave Bates said he lives at 300 South Center Street and wanted to thank the City for installing stop signs on the north and south side of the intersection and painting stop bars on the asphalt. The fourway stop has made the intersection safer. He was considering renting the CCC Camp for a scout activity but was told there was not restroom facilities and that he'd have to rent port-a-potties for his event. There is a monthly rental fee of \$100

per unit but he only needed it for two days. The CCC Camp is rented several times a month during the summer and with the new trail system that goes through the CCC Camp he asked the City to consider renting port-a-potties for this area.

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

SCHEDULED DELEGATIONS:

JENNIE MILLER - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 129 SOUTH 1100 EAST FOR LASH EXTENSIONS AND HAIR REMOVAL SERVICES.

Jennie Miller was not in attendance.

Mayor Miller said Jennie was requesting a Home Occupation Business License at 129 South 1100 East for lash extensions and hair removal services. The application stated she would not have more than one client at a time at her home.

ACTION

Councilmember James made a motion to approve a Home Occupation Business License to Jennie Miller at 129 South 1100 East for lash extensions and hair removal services. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

DAYTON CRITES, CACHE COUNTY TRAILS PLANNER - TO DISCUSS BIKE LANE OPTIONS AND ALTERNATIVES FOR SHORT TERM AND LONG TERM GOALS FOR TRAIL SYSTEMS.

Councilmember Rasmussen said Dayton Crites is the Cache County Trails Planner and he was unable to make it to tonight's meeting and asked him to discuss the short term and long term goals for a trail system in Hyrum.

Councilmember Rasmussen reviewed the diagrams for biking and walking lanes in Hyrum. The trail would be on 200 East and loop around Hyrum Dam towards Paradise. The road would have a bike lane on each side with a two-way center traffic travel lane for vehicles.

The City Council discussed the need of a bike and walking lane in Hyrum but wasn't sure if 200 East was the best option with the traffic and pavement widths that are on 200 East and since there is not a looping system bicyclists will have to go back the same

route and most bicyclists like to do a circular loop not on the same road. Safety is a big concern for the pedestrians and for vehicular traffic. There would need to be a lot of education to help drivers and pedestrians to understand how the two-way center traffic lane works.

MIKE SMITH, BLACKSMITH FORK VILLAS HOA - TO DISCUSS HOME OWNER ASSOCIATION IN BLACKSMITH FORK VILLAS CONCERNS.

Mike Smith said he is the President of the Blacksmith Fork Villas Home Owner's Association (HOA). The Home Owner's Association pays for snow removal and road repair in their Planned Unit Development, however, the assisted living center is not considered part of the HOA and does not pay any HOA fees but it uses their roads. The assisted living center does not have another entrance for delivery trucks, visitors, and staff. This extra traffic creates a burden on the HOA's roads and will require maintenance sooner because of the additional traffic and heavy trucks. The residents of Blacksmith Fork Villas pay the same taxes as everyone else in Hyrum and it doesn't seem fair that the City would plow or maintain its roads. It also was a mistake for the City to not require the assisted living center to be in the HOA and help with the fees for snow removal and road maintenance. The City cares more about developers making a profit over its own citizens. The City approved something that made the developer more money but is a burden to the residents of the HOA. He has asked the assisted living center to help with the cost but the assisted living center does not want too. The residents of the HOA are on fixed incomes and can not afford to have higher HOA fees.

Councilmember James said the City waived park impact fees for this development and also allowed for the roads to be narrower. Those two items reduced the lot price in this development and it also created no drive through traffic. The road in this development only serves the people who live in it and the residents of Blacksmith Fork Villas most likely bought their homes in there because of the minimal amount of traffic and the smaller lots that were approved for this retirement community.

City Administrator Ron Salvesen said he contacted the assisted living center and they were not opposed to participating in the HOA fees. He was told the assisted living center would be willing to look into the idea and meet with the HOA regarding participation in the cost of the road. An HOA with fees in a retirement community is nothing new nor is allowing for narrower roads that are maintained by an HOA. Hyrum City has several Planned Unit

Developments (PUD'S) with HOA'S that maintain their roads. Hyrum City can not take over these roads in PUD'S because they weren't built to City standards. The roads in PUD'S usually only access the property inside the PUD and the cost of the roads are much lower to build when the roads aren't built to the width of City Standards. When people buy a home it is disclosed that it is part of an HOA and there are fees associated with the HOA. The City has another retirement community and ~~it~~ the City doesn't take care of ~~it's~~ the retirement community's roads or its open space.

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Mike Smith said Blacksmith Fork Villas is different from other PUD'S and HOA'S because it has an assisted living center that is using its roads.

Councilmember Rasmussen said the HOA needs to discuss this with the assisted living center and come to an agreement on maintenance of the roads. This is a private entity issue that can only be resolved between Blacksmith Fork Villas and the assisted living center. The City will not maintain roads in PUD'S, if the City Council agreed to do it for one the City would have to do it for all of them. The home owners of Blacksmith Fork Villas new there was an HOA when they bought their homes.

Mike Smith said none of the home owners in Blacksmith Fork Villas were told the HOA had to maintain and plow the roads or most of the people wouldn't have bought a home in this development. There are city signs in the development and if the City has its signs then the roads should be maintained by the City.

Councilmember Rasmussen said the City signs are to designate street addresses which are used by emergency vehicles, guests of the community, etc. The City signs does not mean it's a City street.

Wade Butler said he is the Vice President of the Blacksmith Fork Villas HOA and the assisted living center and developers are telling the City something different than what is truly happening.

Mayor Miller asked if there was a way to block the Blacksmith Fork Villas Roads so traffic from the assisted living center couldn't drive through on its roads.

Mike Smith said they don't want problems with the assisted living center. The assisted living center invites the residents of Blacksmith Fork Villas to its activities, and church services.

James Horger said he feels like the home owners are stuck between Hyrum City and the developers and no one is protecting the seniors of this development. Hyrum City has made the seniors in the Blacksmith Fork Villas not feel welcome. The City Council agreed to all these things and the seniors have been left with a raw deal.

Councilmember Rasmussen asked the residents of Blacksmith Fork Villas if they read through their CC&R's and the HOA agreement before they bought their house.

Several residents of Blacksmith Fork Villas voiced that they didn't read through any documents because they weren't provided when they bought their home.

Councilmember James asked how much money would their Home Owner's Association Fees need to be to cover the costs of road maintenance including snow removal.

Mike Smith said the HOA generates \$1,745 a month (\$75.00 per home owner) that has to cover all costs including landscaping in summer months. The HOA has bought two snowblowers to help remove snow from driveways. Snow removal is expensive and having the assisted living center participate in the cost of the road maintenance would help significantly.

Bruce Norman said the residents of Blacksmith Fork Villas pay the same property tax as everyone else but they do not receive the same benefits. The residents of Blacksmith Fork Villas expected the City to take care of its roads inside the development.

Councilmember Rasmussen said Hyrum City only receives about \$200 in property taxes per house in Hyrum and the rest of the property tax goes to schools and the County. This \$200 helps cover library service, senior center, ambulance, fire service, road maintenance that gets them in and out of their development, etc. Hyrum City has never agreed to take care of the roads in Blacksmith Fork Villas and if the developer would have built a standard subdivision then this retirement development would have never been built. The HOA needs to work with the assisted living center and come to a compromise on maintenance of the roads.

ACTION

Councilmember Bingham made a motion for Hyrum City to arrange a meeting with the assisted living center and Blacksmith Fork Villas HOA to discuss the assisted living center helping with road maintenance and for the assisted living center to have delivery trucks park to

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

BLAINE ANDERSON - TO DISCUSS A PIONEERING AGREEMENT FOR SEWER AND WATER LINES ON 200 NORTH BETWEEN 100 AND 200 EAST.

Blaine Anderson said he has installed the water and sewer lines in front of his property on 200 North between 100 and 200 East. He invested a great sum of money for these improvements and the City Council had discussed with him the possibility of a Pioneering Agreement to recoup some of his costs. He is hoping some type of an agreement will be approved so that if someone develops property where he ran the sewer and water lines he would be able to be reimbursed for the extension.

Councilmember Rasmussen said a pioneering agreement would work but Blaine would need to have an engineer evaluate the grade and determine how many properties would be able to connect since the line may not be deep enough for some the properties without a lift station being installed. Once the number of lots are determined it would be a simple calculation to figure out proportionate costs that a property owner would need to pay. The pioneering agreement would have a maximum reimbursement date of 15 years. Infrastructure depreciates over time and it would be upto the City to decide if it wanted to depreciate the reimbursement portion.

The City Council agreed for Blaine Anderson to work with the City on a pioneering agreement that includes the conditions discussed by Councilmember Rasmussen. The pioneering agreement once written will need to come before the City Council for its review and approval.

INTRODUCTION AND ADOPTION OF AN ORDINANCE:

ORDINANCE 19-02 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (ROGER CLAWSON ANNEXATION).

Mayor Miller said Ordinance 19-02 amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah will finalize the Roger Clawson annexation. The property owners have signed the annexation agreements and once the City Council has adopted this Ordinance it will be sent to the Lt. Governor's Office for its approval.

ACTION

Councilmember James made a motion to adopt Ordinance 19-02 amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (Roger Clawson Annexation). Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**BUDGET REPORT.**

City Administrator Ron Salvesen reviewed the 2018-2019 General Fund Operating Budgets expenditures and revenues in detail. This year the City has received a substantial amount of snow and expenses may be higher in the road department than anticipated. The wastewater treatment plant is deteriorating much quicker than expected and the City has to get basins three and four up and running which will double the current capacity.

CONSIDERATION AND APPOINTMENT TO PLANNING COMMISSION.

City Administrator Ron Salvesen recommended appointing Terri Mann to serve another term on the Hyrum City Planning Commission.

ACTION

Councilmember James made a motion to appoint Terry Mann to serve a five year term on the Hyrum City Planning Commission. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember James said softball and baseball registration starts in March. Nibley City has a full time Recreation Director who contacted him about Hyrum City participating in their events and wanted us to help with advertising.

Councilmember Bingham said Hyrum City's Royalty this year is: Anne Marie Larsen, daughter of Steve & Bonnie Larsen; Alli Schroder, daughter of Ted & Kathy Schroder; Shanalee McBride, daughter of Marty & Lisa McBride; Kamille McBride, daughter of Mike & Karie McBride; and Sydney Pace, daughter of Wendell & Heather Pace. The Youth Council will be attending a session at the Utah State Legislature on February 22 and will need the Hyrum Senior Vans for the trip to Salt Lake.

Councilmember Adams said he is working on the parade application and will be charging commercial vehicles an entrance fee if it is not a float. He was hoping to have a few people from the Elite Hall Restoration Committee help with the line-up of the parade and then the money from commercial vehicles could be made to the Elite Hall Restoration Fund.

Councilmember Rasmussen said the Elite Hall Restoration Committee is working on the RAPZ Tax Grant Application. The Museum is continuing to work on its STEPS Workshop and is wrapping up the second phase on management. Museum Director Jami VanHuss is not going to be in charge of Hot Wheels and Hot Dogs this year and will have a Chairman to arrange for that event which will free up some time for her to accomplish more things in the Museum. Jazz Nights at the Elite Hall is February 14, 15, and 16. The Museum also needs an updated camera system there was an item stolen and even though there were cameras they were unable to zoom in close enough to recognize the person who may have taken it.

City Administrator Ron Salvesen said Hyrum City is going to hold an open house for the new fire station and will invite Nibley and Millville to attend.

ADJOURNMENT:

ACTION

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

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: February 21, 2019
As Amended