

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 18, 2018,
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, Kathleen Bingham, Paul C. James, and Craig L. Rasmussen.

EXCUSED: Councilmember Jared L. Clawson

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

OTHERS PRESENT: City Administrator Ron Salvesen, and twenty-four 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: Councilmember Bingham

APPROVAL OF MINUTES:

The minutes of a regular City Council Meeting held on September 20, 2018 were approved as written.

ACTION

Councilmember Bingham made a motion to approve the minutes of a regular City Council Meeting held on September 20, 2018 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, 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 recommended amending the agenda by deleting item "11.B. Resolution 18-26 - A resolutions accepting a petition for annexation of certain real property under the provisions of Section

10-2-405, Utah Code Annotated, 1953, as amended (Hyrum City Municipal Crop, William E and Christine Elaine Christoffersen Trust, Bob Mathew and Melynda Ropelato, Kris & B Holdings LLC, Miller Companies LLC, 5 M Farms LLC, and Ernest J. Miller Trust containing 291.71 acres)."

ACTION

Councilmember Bingham made a motion to approve the agenda for October 18, 2018 with the above amendment. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

AGENDA

9. PUBLIC HEARING:
 - A. To receive public comment in response to a petition filed by Roger Clawson and Kirk D. Petersen, Roger Clawson and Darilyn J. Clawson, Robert Gary Dunn and Jana Lee Dunn, and United States of America proposing the annexation of 30.19 acres more or less of real property, located between approximately 6500 South to 6600 South between 400 West to 600 West (Cache County Address).
10. SCHEDULED DELEGATIONS:
 - A. Scott Nydegger, U-Haul Rentals - To request site plan approval for a U-Haul Rental business at 188 North 800 East.
 - B. Jeremy Broadhurst - To request site plan approval for a storage unit facility at 206 South 1720 East in the Blacksmith Fork Industrial Park.
 - C. Ryan Pierson - To request site plan approval for a metal fabrication business at 225 South 1720 East in the Blacksmith Fork Industrial Park.
 - D. Ron Hales, Centerpoint Construction - To request concept plan approval of a 140 lot subdivision at 700 East 6600 South and 900 East 6600 South.
 - E. Blaine Andersen - To request the City no longer require him to extend the sewer line at approximately 160 East 200 North as required in an agreement between the City and Anderson dated January 28, 1981.
11. INTRODUCTION AND APPROVAL OF RESOLUTIONS:
 - A. Resolution 18-25 - A resolution approving the August 2018 Moderate Income Housing Plan and including it as Exhibit "7A" in the Hyrum City General Plan.
 - ~~B. Resolution 18-26 - A resolutions accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated,~~

~~1953, as amended (Hyrum City Municipal Corp, William E and Christine Elaine Christoffersen Trust, Bob Mathew and Melynda Ropelato, Kris & B Holdings LLC, Miller Companies LLC, 5 M Farms LLC, and Ernest J. Miller Trust containing 291.71 acres).~~

12. OTHER BUSINESS:

- A. Discussion on culinary water rates.
- B. Consideration and acceptance of Auburn Hills Phases 2 and 3.
- C. Review of Moderate Income Housing Plan.
- D. 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.

Tom Hicken said he would like to rezone his property at 260 South 300 West to commercial. If it is zoned commercial he will build an office and shop that will market snowcones, icecream, and souvenirs to visitors of Hyrum State Park. He asked the City Council if it was something it would consider.

Councilmember James said the City has an ordinance that would have to be followed on rezoning property. There is no guarantee that the property will be rezoned.

Councilmember Rasmussen said he would have to meet the requirements for a business in a commercial zone, if it was approved to be rezoned. He would have to provide off street parking and comply with all zoning regulations.

The City Council suggested he speak with City Administrator Ron Salvesen about the requirements of a commercial zone and also the rezone application process.

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

SCHEDULED DELEGATIONS:

TO RECEIVE PUBLIC COMMENT IN RESPONSE TO A PETITION FILED BY ROGER CLAWSON AND KIRK D. PETERSEN, ROGER CLAWSON AND DARILYN J. CLAWSON, ROBERT GARY DUNN AND JANA LEE DUNN, AND UNITED STATES OF AMERICA PROPOSING THE ANNEXATION OF 30.19 ACRES MORE OR LESS OF REAL

PROPERTY, LOCATED BETWEEN APPROXIMATELY 6500 SOUTH TO 6600 SOUTH BETWEEN 400 WEST TO 600 WEST (CACHE COUNTY ADDRESS).

Mayor Miller said the City Council approved Resolution 18-17-2 accepting a petition for annexation of certain real property owned by Roger Clawson and Kirk D. Petersen, Roger Clawson and Darilyn J. Clawson, Robert Gary Dunn and Jana Lee Dunn, and United States of America proposing the annexation of 30.19 acres more or less of real property, located between approximately 6500 South to 6600 South between 400 West to 600 West (Cache County Address). The City certified the annexation petition on September 6, 2018 and noticed the certification in the Herald Journal on September 9, 16, and 23. There were no protests filed during protest period.

ACTION

Councilmember James made a motion to open the public hearing at 6:35 p.m. to receive public comment in response to a petition filed by Roger Clawson and Kirk D. Petersen, Roger Clawson and Darilyn J. Clawson, Robert Gary Dunn and Jana Lee Dunn, and United States of America proposing the annexation of 30.19 acres more or less of real property, located between approximately 6500 South to 6600 South between 400 West to 600 West (Cache County Address). Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

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

ACTION

Councilmember James made a motion to close the public hearing at 6:35 p.m. to receive public comment in response to a petition filed by Roger Clawson and Kirk D. Petersen, Roger Clawson and Darilyn J. Clawson, Robert Gary Dunn and Jana Lee Dunn, and United States of America proposing the annexation of 30.19 acres more or less of real property, located between approximately 6500 South to 6600 South between 400 West to 600 West (Cache County Address). Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

SCHEDULED DELEGATIONS:

SCOTT NYDEGGER, U-HAUL RENTALS - TO REQUEST SITE PLAN APPROVAL FOR A U-HAUL RENTAL BUSINESS AT 188 NORTH 800 EAST.

Scott Nydeggar said he is purchasing a U-Haul business and is already using the commercial area in front of Cobble Street PUD on 188 North 800 East. This business has been previously located behind the Station 120 North 800 East. He will use the small shed that he uses for his storage unit business office for the U-Haul office as well. He gave the City Council a copy of an updated plan. Asphaltting the parking area is cost prohibitive at this time since asphalt is expensive and U-Haul businesses don't generate a lot of revenue. He doesn't want to be required to asphalt the commercial area.

City Administrator Ron Salvesen said the Planning Commission on October 11, 2018 recommended approval of the Site Plan with the following conditions: 1. Front landscaping area be completed by Spring; 2. Signs be added to approval; and 3. If the City Council wants it asphalt then for it to be required at one year.

Councilmember Rasmussen said he has reviewed the plans that were given to the Planning Commission and now he has two different plans. He is concerned about the PUD not being able to meet its open space requirements since the PUD barely bet the open space requirements before this amendment to the commercial area with an access through the storage unit area. He is also concerned about the access on and off the highway since the U-Haul business will generate additional traffic.

ACTION

Councilmember James made a motion for Scott Nydeggar to have his plan reviewed to ensure it meets the open space requirements for a Planned Unit Development and to bring it back to the City Council when he has the number of square footage it will leave in open space. Scott Nydeggar is able to operate his U-Haul business at 188 North 800 East until he brings his plan back to the City Council. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

JEREMY BROADHURST - TO REQUEST SITE PLAN APPROVAL FOR A STORAGE UNIT FACILITY AT 206 SOUTH 1720 EAST IN THE BLACKSMITH FORK INDUSTRIAL PARK.

Jeremy Broadhurst requested site plan approval for a storage unit facility at 206 South 1720 East in the Blacksmith Fork Industrial Park. He has one of the lots under contract and wants to bring in freight shipping containers that he can rent as storage units. It is a new concept in Utah but there are excess shipping containers

in the United States right now and the freight containers are feasible to purchase. Some people are even building homes out of the freight containers. The containers he will be using have only been used once and are in excellent condition. The containers will be about four inches above the ground. He will have the site landscaped and wants to use the containers as a fence around the property. He will also landscape and plant Thuja Green Giant trees. These trees are thick and dense and look more like a very tall hedge. He will also plant burning bushes and rockscape other areas.

City Administrative Ron Salvesen said there is no setback in the Manufacturing Zone so the containers could be set on the property line acting as a fence. The Planning Commission reviewed the Site Plan on October 11, 2018 and is recommending approval as proposed.

Councilmember Adams asked Jeremy if he would be using only tan containers.

Jeremy Broadhurst said he doesn't want to be held to only having tan containers brought in but he will paint them all the same tan color.

Councilmember Rasmussen said the landscaping plan needs to be modified to ensure that only short plants are planted near the access so that they do not obstruct the view of traffic. He asked if the interior roads would be paved.

Jeremy Broadhurst said he doesn't want to pave the interior roads and would prefer to start out with gravel.

ACTION

Councilmember Rasmussen made a motion to approve the Site Plan for a Storage Unit Facility at 206 South 1720 East with the following conditions: 1. A privacy fence be installed on the west side of property; 2. Landscaping be low growing shrubs around the entryways so it can meet the site triangle requirements; 3. All units must be painted the same color and well maintained; 4. Any units that have rust on them at any time will be required to be removed at the City's discretion; and 5. Rodent and weed control must be maintained by the owner. Councilmember James seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

RYAN PIERSON - TO REQUEST SITE PLAN APPROVAL FOR A METAL

FABRICATION BUSINESS AT 225 SOUTH 1720 EAST IN THE BLACKSMITH FORK INDUSTRIAL PARK.

Ryan Pierson was not in attendance.

City Administrator Ron Salvesen said the Planning Commission on October 11, 2018 recommended site plan approval for a metal fabrication business at 225 South 1720 East in the Blacksmith Fork Industrial Park with the following condition: 1. That a 12' area between the building and Anvil Road be landscaped.

Councilmember Rasmussen said he has several concerns with the Site Plan that he would like to discuss with the owner. The site plan shows a full frontage access along the entire portion of his property. That is a safety hazard with traffic being allowed to enter or exit the road along 195 feet. There should be one controlled access in a defined location.

Councilmember James said the Site Plan needs to include a written detailed landscaping plan that includes grass and trees in the 12 foot area between the road and building.

ACTION

Councilmember Rasmussen made a motion to continue this discussion when the applicant can be in attendance to discuss one controlled access rather than 195' of direct road access and parking lot and to discuss landscaping between building and road. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

RON HALES, CENTERPOINT CONSTRUCTION - TO REQUEST CONCEPT PLAN APPROVAL OF A 140 LOT SUBDIVISION AT 700 EAST 6600 SOUTH AND 900 EAST 6600 SOUTH.

Ron Hales with Centerpoint Construction said he has the Wilkinson Property at 700 East 6600 South and 900 East 6600 South under contract. He has read and reviewed the annexation agreement and submitted a development plan for the property that is in compliance with the Annexation Agreement and Hyrum City Ordinances. He has hired Civil Solutions to be the engineers on this development. He was the original owner and developer of Elk Mountain. He wants this property and development to be quality and an asset to Hyrum City and the residents.

City Administrator Ron Salvesen said the Planning Commission on October 11, 2018 recommended approval of the Concept Plan for a

140 lot subdivision at 700 East 6600 South and 900 East 6600 South with the following conditions: 1. Double frontage lots along the highway and canal have fencing or a wall and landscaping; 2. 750 East access to 6600 South be eliminated; 3. 6525 South be stubbed into neighboring property; 4. Privacy fence be installed on the boundaries of the existing mink shed property; and 5. Encourage developer to consider larger lots that would have animal rights to abut the mink sheds. He said the developer will be responsible to install water and sewer lines to the property. This will be very expensive and the City and developer may need to come up with some type of cost recovery on the extension.

Councilmember James said the plat will need to include a statement that all lots that border the existing mink sheds will have to maintain a 100' setback. Also all lighting will need to be dark sky lighting.

Ron Hales said he is considering one acre lots around the mink farm but the utilities and land are a significant amount of money and the only way to recoup those costs are through the sale of lots.

Councilmember Rasmussen asked if Ron Hales had spoken with UDOT to determine if UDOT would require any improvements to Highway 165.

Ron Hales said he has met with UDOT and UDOT has not said they will require anything more than the 68 foot right-of-way on Highway 165.

Councilmember Rasmussen said he would prefer Ron plan for a 4-lane highway and adjust his portion of the Highway 165 right-of-way accordingly. He doesn't think the homeowners would be happy for UDOT to take the back of their lots to widen the highway, when it can be taken into consideration right now. This is the main access to the south end of the valley and Paradise and Avon are growing and traffic has to be taken into consideration.

Councilmember James asked if the Irrigation Company was going to require the irrigation canal to be piped.

City Administrator Ron Salvesen said the irrigation canal is not in the interior of the property and the fence will create a boundary between the homes and canal.

Councilmember Rasmussen said the 6600 South street between 600 East and 800 East needs a larger dedication of a minimum of 66

feet right-of-way; the lift station on 750 East 6600 South not be included as part of the lot; reconfigure streets and lots to not have access to 600 South from 750 East; Potential right-of-way width on 6600 South for turn lanes and need to coordinate north and south right-of-way lines to make sure dedications line up for full right-of-way section (a traffic impact study for access to highway for acceleration and deceleration lane requirements etc.); Verify with UDOT for a 68' right-of-way on Highway 165; Change the developer's address on Plat; Size of sewer/water mains to be coordinated with Hyrum City Engineer for upsizing requirements; Review City ordinance in regards to canal along property; Soil tests to include groundwater monitoring; Stormwater handling determined in conjunction with soil tests; 800 East Street to continue to provide north/west connectivity for future development; Add 800 East Street name; Larger lots with animal rights on that border the mink farm be discussed and limit flood lights on these lots; As per Planning Commission 6525 South be stubbed to the east for future growth; and 6600 South on the east side of Highway 165 needs to have a road dedication for a minimum of 65' right-of-way.

ACTION

Councilmember Rasmussen made a motion to continue this agenda item until the project and his above recommendations can be reviewed by developer. Councilmember Bingham seconded the motion.

Scott Rawlings said he is an Attorney for the Fur Breeders Co-op and he was asked by Cody Mathews to attend tonight's meeting to speak on his behalf. He provided the City Council a letter from Dr. Jason Lott who is the consulting veterinarian for both the US Fur Commission and the Utah Fur Breeders Co-Op. He asked the City Council to read Dr. Lott's letter on Mink and the effects of light exposure during certain times of the year. He said he appreciated the City Council already recognizing the mink farm and the light issues by requiring all lights to be dark sky lighting and for the houses bordering the mink ranch to be at least a 100' away. Light is absolutely devastating to a mink ranch. There was a mink ranch along the Wasatch Front and they required the residential developers to install a 20' privacy fence around the mink farm to protect the mink ranch. There are also safety concerns with mink that should be factored in when approving development near mink farms.

Ron Hale said he lives near Dr. Lott and has spoken with him regarding this development and he had also spoken with Cody Mathews about the development and his mink ranch. He doesn't want to

jeopardize the mink ranch, he wants to work with farmers not put them out of business. He thought he had come up with solutions with Cody Mathews regarding his mink farm so he was surprised that there was an attorney here tonight to address his concerns.

Mayor Miller called for a vote on the motion.

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

BLAINE ANDERSEN - TO REQUEST THE CITY NO LONGER REQUIRE HIM TO EXTEND THE SEWER LINE AT APPROXIMATELY 160 EAST 200 NORTH AS REQUIRED IN AN AGREEMENT BETWEEN THE CITY AND ANDERSON DATED JANUARY 28, 1981.

Blaine Andersen said he owns the property at 160 East 200 North and was in the processing of developing it when he found out Hyrum City had an agreement dated January 28, 1981 with his father regarding future development of the property would be required to extend the sewer line. He has concerns with the extension of the sewer line and does not believe it is possible and would like the City to waive the requirement for him to extend the sewer line.

Councilmember Rasmussen said it is possible to extend the sewer line along 200 East but it would require a couple of different things to be done. The irrigation culvert could be adjusted its not cheap but it can be done. If the irrigation culvert was raised a foot it could allow a squash pipe to be installed making the sewer line work. This area is going to need sewer at some point and he would rather have the developer pay for it than coming back later and requiring the homeowners to pay for it. The City could participate in the cost of the crossing.

City Administrator Ron Salvesen said Wastewater Superintendent Kevin Maughan had talked about extending the sewer line and having it be a private line through the back of the lot.

Councilmember James said he agrees with Councilmember Rasmussen that once a home is built and has put in a septic tank they are not going to want to pay for a sewer extension and connection. It is best to find away for the developer to install the sewer line.

ACTION

Councilmember Rasmussen made a motion to continue this agenda item until the next meeting to allow the City to further investigate and coordinate with Blaine Andersen the feasibility of crossing the irrigation line on 200

North with the sewer line, and also for City staff to make recommendation on whether the City should participate in costs for the crossing or if staff has any other recommendations. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS:

RESOLUTION 18-25 - A RESOLUTION APPROVING THE AUGUST 2018 MODERATE INCOME HOUSING PLAN AND INCLUDING IT AS EXHIBIT "7A" IN THE HYRUM CITY GENERAL PLAN.

ACTION

Councilmember Rasmussen made a motion to approve Resolution 18-25 approving the August 2018 Moderate Income Housing Plan and Including it as Exhibit "7A" in the Hyrum City General Plan. Councilmember James seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:

DISCUSSION ON CULINARY WATER RATES.

City Administrator Ron Salvesen said he has proposed increasing culinary water rates \$3.00 a month for residential connections with an automatic increase on overages for commercial and industrial over the next several years. He would like the City to approve these increases at its next City Council Meeting.

Councilmember Rasmussen said he is not in favor of automatic increases and would prefer to review rates every year.

CONSIDERATION AND ACCEPTANCE OF AUBURN HILLS PHASES 2 AND 3.

ACTION

Councilmember James made a motion to accept the improvements of Auburn Hills Phases 2 and 3 as of October 1, 2018. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, James, and Rasmussen voted aye. The motion passed.

REVIEW OF MODERATE INCOME HOUSING PLAN.

City Administrator Ron Salvesen said the City has had several multi-family housing projects and the Neighborhood Solution's subdivisions have helped Hyrum City meet the low income housing

requirements. It will continue to become more difficult to meet our requirements going forward because of the large increase in values over the last few years.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Bingham said she is working on the Hyrum City Princess Pageant that will take place in January. Youth Council applications are being accepted and will be interviewed and selections will be made.

Mayor Miller said the owner of the trailer court has contacted the City about installing individual water meters on every trailer in the trailer park. The City has told them they would need to comply with current city ordinances and install new water lines that meet City code. Its water system is a private line and the City is not going to take it over. The owner decided he was going to look at installing private meters on each trailer that he could then bill tenants for going over a specific amount of water. The City will only read one master meter as in the past.

City Administrator Ron Salvesen said he sent a letter to Wayne Petersen possibly allowing him to use the City's Highline Water for only one more year depending on water conditions. If water conditions are like they have been in the past Wayne will be allowed to use them for one more year, however, if more severe drought conditions are present this coming year the City may not allow him to use Highline Shares for this last year.

Councilmember James asked for City Staff to contact the owners of the sign on 300 North approximately 550 East regarding removing its nursery sign advertising the sale of trees and plants. He asked if City Staff had time to tape or paint lines for pickleball courts at the Elite Hall.

Councilmember Rasmussen said Hyrum Holidays at Hardware Ranch is scheduled for December 1 and hopes the City Council will be there to help. Green Meadow Townhome residents are having a difficult time getting a hold of Jake Thompson and getting their issues resolved. The residents are going to create a list of problems and issues that need to be addressed so the City can give it to Jake. The Elite Hall Committee is reviewing plans for the annex to the building and sending comments to the architect. Mayor Miller said the City Council wanted the windows installed and the building painted before the annex was built. Councilmember Rasmussen said there is grant money for new construction but not

remodeling.

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 9:15 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: November 1, 2018
As Written