

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 15, 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, Jared L. Clawson, Paul C. James, and Craig 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 26 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: City Administrator Ron Salvesen led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

The minutes of a regular City Council Meeting held on March 1, 2018 were approved as written.

ACTION

Councilmember James made a motion to approve the minutes of a regular City Council Meeting held on March 1, 2018 as written. Councilmember Bingham 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 James made a motion to approve the agenda for March 15, 2018 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

AGENDA

9. SCHEDULED DELEGATIONS:

- A. Cache County Sheriff Chad Jensen - To present the Cache County Sheriff's Office annual report for Hyrum City.
- B. Cache County Building Inspector Paul Bernsten - To present Hyrum City's annual building permit report.
- C. Britney Bird, The Family Place - To present and request approval of a Proclamation declaring April as Child Abuse Prevention Month.
- D. Eric Derr - To request site plan approval for a used car lot at the corner of 800 East and Main Street.
- E. Bret Bywater - To request site plan approval for expansion of Bywater's Cabinets at 340 North 400 West.
- F. Dan Larsen, Auburn Hills Subdivision Phase 2 and 3 - To request final plat approval for Auburn Hills Subdivision Phase II consisting of 11 single family lots; and Phase III consisting of 12 single family lots located at approximately 480 South 750 East.
- G. Dan Larsen, Elk Mountain P.U.D. Phases 7, 8, and 9 - To request final plat approval for Elk Mountain Planned Unit Development Phase 7 consisting of 4 fourplexes and 3 threeplexes for a total of 21 townhouses, and Phase 9 consisting of 15 fiveplexes for a total of 75 apartment units; and Phase 9 consisting of 15 fiveplexes for a total of 75 apartment units located at approximately between 300 and 480 South and 1600 East to 1520 East.
- H. Roy Savage, Hidden Valley Subdivision - To request amending the final plat of Hidden Valley Subdivision to allow a stormwater retention pond to be built rather than piping overflow into canal; and to authorize the developer to install a fence on the west side of the Wellsville East Field Canal rather than the east side of the canal located at approximately 30 North 650 West.

10. OTHER BUSINESS:

- A. Sports Academy Tennis instruction.
- B. Mayor and City Council reports.

11. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller said she would like to acknowledge and congratulate Hyrum City employee Quentin Voth for receiving his Meter Technician Certification. It took four years and over 7,500 hours of training. The test had over 800 pages and took two days to complete. There

are only two other certified Meter Technicians in the State of Utah. His knowledge on meters was instrumental on switching Hyrum City's meters to smart meters. She expressed her appreciation to him for his dedication and commitment to Hyrum City and his willingness to learn.

Quentin Voth thanked his Supervisor Matt Draper, and Mayor Miller for supporting him in his Meter Technician Certification.

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Carl Lundahl said he would like to comment on the proposed expansion of Bywater Cabinets. He understands Bywater's has the right to expand as long as such expansion is in compliance with City Ordinance. However, consideration should also be given to the neighbors. The property owners in that area of made improvement to help improve the community of Hyrum. This expansion will decrease the residential property value around this business. The business emits air pollutants from chemicals and also dust from the sawdust. He is concerned about the safety of the roads with the additional truck traffic and no place for the trucks to back into the business. This business was initially an old brick yard in 1963 but has continually expanded over the years and the zoning should be reconsidered to see if this type of a business fits into Hyrum city's current plan. He would encourage the City Council to not make a rushed decision but to make it decision on the betterment of the community.

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

SCHEDULED DELEGATIONS:

CACHE COUNTY SHERIFF CHAD JENSEN - TO PRESENT THE CACHE COUNTY SHERIFF'S OFFICE ANNUAL REPORT FOR HYRUM CITY.

Cache County Sheriff Chad Jensen said the goal of the Sheriff's Departments is to provide public safety. The number of calls and tickets for Hyrum City are very consistent from year to year. Last year Hyrum City received 7,200 hours of coverage, with 1,800 calls for service, and 900 citations issued. In 2016-2017 Hyrum City received 6,700 hours of coverage, with 1,739 calls for service, and 949 citations issued. Deputy Virgil Hutton is assigned to Hyrum City during the day shift and Deputy Hutton is a very active

employee who is always staying busy, he is one of the most productive employees at the Sheriff's Office. He has been trying to maximize service by better delegating man hours for specific shift times and days. Hyrum City's busiest day of the week for law enforcement is Thursday between the hours of 4:00 p.m. to 6:00 p.m. The Sheriff's Department has started a new program where if an officer sees a garage door open, a bike left on the front lawn, or a car is unlocked the Deputy will leave a door hanger to let people know a Deputy has been in the area and to remind them to help deter crime by being proactive.

Mayor Miller said she appreciates the Cache County Sheriff's Department and thanked the department for their dedication and service to Hyrum City.

CACHE COUNTY BUILDING INSPECTOR PAUL BERNSTEN - TO PRESENT HYRUM CITY'S ANNUAL BUILDING PERMIT REPORT.

Travis Checketts with Cache County Building Department said Hyrum City was the 2nd fastest growing City in the County his past year. There were 141 building permits issued last year and in 2016 108 building permits were issued. There were 69 new single family dwellings and 16 new townhouses that were built. There were 11 permits issued for solar panels and that was even with Hyrum City having a moratorium on solar panel approvals for the first half of the year. Building permits for solar panels have slowed down since there is no longer a rebate from the government.

Mayor Miller thanked Travis Checkett's and the Cache County Building Department for doing a great job for Hyrum City.

BRITNEY BIRD, THE FAMILY PLACE - TO PRESENT AND REQUEST APPROVAL OF A PROCLAMATION DECLARING APRIL AS CHILD ABUSE PREVENTION MONTH.

Mayor Miller said Britney Bird from the Family Place wasn't able to be at tonight's meeting. Mayor Miller read the Proclamation Declaring April as Child Abuse Prevention Month.

ACTION

Councilmember Clawson made a motion to approve the Proclamation Declaring April as Child Abuse Prevention Month. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

ERIC DERR - TO REQUEST SITE PLAN APPROVAL FOR A USED CAR LOT AT THE CORNER OF 800 EAST AND MAIN STREET.

Lowell Griffin said he is Eric Derr's son-in-law and business partner. They currently have a used car lot in North Salt Lake but the building has been sold and they need to relocate their business. They have met with the Kendrick's who own the corner lot on 800 East Main by Ridley's Grocery Store. Kendrick's have agreed to lease them the lot. There will not be a full time sales person on site but each car will have the phone number of sales person posted on it. He is considering building 10' x 10' temporary structure that would be used by appointment only. The maximum number of cars on the lot would be 20 as approved by the Fire Chief.

City Administrator Ron Salvesen stated that the temporary structure should be up to code with city and fire department regulations and standards. Also the landscaping would need to be maintained and if the dealership is there for an extended period of time Eric Derr would need to look into planting some trees around the lot.

ACTION

Councilmember Rasmussen made a motion to approve Eric Derr's Site Plan for a used car lot at the corner of 800 East and Main Street with the following conditions: 1. The structure meets building and fire codes; 2. Landscaping will be required if the dealership is there after a 12 month period - trees planted in the parking strips and the light poles will be straightened up; 3. Number of cars permitted on the lot will not exceed 20; and 4. The building must be a building and not a trailer. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

BRET BYWATER - TO REQUEST SITE PLAN APPROVAL FOR EXPANSION OF BYWATER'S CABINETS AT 340 NORTH 400 WEST.

Mayor Miller said Bywater's Cabinets is requesting site plan approval for an expansion of its current building at 340 North 400 West. On March 15, 2018 the Planning Commission recommended approval of the site plan for expansion of the Bywater's Cabinets at 340 North 400 West with the following conditions: 1. The landscaping on 300 North would expand to 19 feet width and would reduce the parking by three stalls which would allow for the additional landscaping which would include a low berm and trees

that would allow for visibility on the corner; 2. The side walk along 400 West would be removed from the plans and instead will have the berm wrapping around the corner with a ten foot minimum landscaping strip; 3. On the south side of the proposed addition there will be a minimum of three foot landscaping strip planted with column type trees as a buffer; 4. All proposed changes will meet building and fire code requirements; and 5. That the front façade of the existing building be cleaned up and broken windows repaired.

Bret Bywater said currently to keep up with demand he has crews operating on three different shifts. He business has grown and he is operating at a capacity. He is considering both his options of either expanding his current shop or moving his business to a different location. Most of his employees live in Hyrum so he would like to stay in Hyrum but in order to do so he has to expand his business.

Councilmember Rasmussen said due to this business being adjacent to a residential neighborhood he thinks the need for increased landscaping and larger berms. He would like the landscaping plan amended to show the height and width of the berm, number of trees with location, and landscaped area dimensions. He would recommend that a higher number of trees be planted to not only provide residential privacy but to also help with dust control. He asked Bret if the proposed expansion would eliminate the dust.

Bret Bywater said there is no way to completely contain the dust. His shop produces less dust than other cabinet shops because of his process and the custom work he does. He has top of the line equipment and cleans his filters every day.

Councilmember Bingham said she is concerned about the chemicals, stains, and solvents that are being used and if the expansion will increase the level of fumes. There have been days she has been able to smell paint at her home that is two blocks away.

Bret Bywater said the fumes are being filtered and there are spray booths set up internally to help with the fumes as well. His equipment meets California standards and California standards are the most restrictive in the nation. There are other cabinet shops that are with a couple of blocks of her house and it could be them. The new process will be more concentrated but the volume will be the same.

Councilmember Rasmussen asked if there was going to be a fence on

the east property line. He also was concerned about fire trucks being able to access behind the building due to the roads being narrow and no access on the rear property line.

City Administrator Ron Salvesen said Hyrum City Fire Chief Kevin Maughan has reviewed and approved the plan submitted by Bywaters.

Bret Bywater said his father owns the property east of Bywater's Cabinets and he is not planning on installing fence at this time.

ACTION

Councilmember Rasmussen made a motion to continue this discussion at the next City Council Meeting on April 5, 2018 and for Bret to consider frontage options of 400 West; Provide a detail landscaping plan with berm dimensions and cross sections; Investigate chemical odors and previous emission test to determine if there is as problem with equipment; and to consider an alternate façade to help the building look more residential. Councilmember James seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

DAN LARSEN, AUBURN HILLS SUBDIVISION PHASE 2 AND 3 - TO REQUEST FINAL PLAT APPROVAL FOR AUBURN HILLS SUBDIVISION PHASE II CONSISTING OF 11 SINGLE FAMILY LOTS; AND PHASE III CONSISTING OF 12 SINGLE FAMILY LOTS LOCATED AT APPROXIMATELY 480 SOUTH 750 EAST.

Dan Larsen was not present.

Zoning Administrator Ron Salvesen said the City Engineer and City Staff have reviewed the final plat for Auburn Hills Subdivision Phase II consisting of 11 single family lots, and Phase III consisting of 12 single family lots located at approximately 400 South 750 and is recommending approval.

ACTION

Councilmember James made a motion to approve the final plat for Auburn Hills Subdivision Phase II consisting of 11 single family lots, and Phase III consisting of 12 single family lots located at approximately 400 South 750. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

DAN LARSEN, ELK MOUNTAIN P.U.D. PHASES 7, 8, AND 9 - TO REQUEST FINAL PLAT APPROVAL FOR ELK MOUNTAIN PLANNED UNIT DEVELOPMENT PHASE 7 CONSISTING OF 4 FOURPLEXES AND 3 THREEPLEXES FOR A TOTAL OF 21

TOWNHOUSES, AND PHASE 9 CONSISTING OF 15 FIVEPLEXES FOR A TOTAL OF 75 APARTMENT UNITS; AND PHASE 9 CONSISTING OF 15 FIVEPLEXES FOR A TOTAL OF 75 APARTMENT UNITS LOCATED AT APPROXIMATELY BETWEEN 300 AND 480 SOUTH AND 1600 EAST TO 1520 EAST.

Dan Larsen was not present.

The City Council had questions and concerns that it wanted the developer to address.

ACTION

Councilmember James made a motion to continue this item at the next City Council meeting when the developer could be present to address questions and concerns. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

ROY SAVAGE, HIDDEN VALLEY SUBDIVISION - TO REQUEST AMENDING THE FINAL PLAT OF HIDDEN VALLEY SUBDIVISION TO ALLOW A STORMWATER RETENTION POND TO BE BUILT RATHER THAN PIPING OVERFLOW INTO CANAL; AND TO AUTHORIZE THE DEVELOPER TO INSTALL A FENCE ON THE WEST SIDE OF THE WELLSVILLE EAST FIELD CANAL RATHER THAN THE EAST SIDE OF THE CANAL LOCATED AT APPROXIMATELY 30 NORTH 650 WEST.

Roy Savage with Hidden Valley Subdivision said he has met with the Wellsville East Field Canal Company and has been unable to obtain an agreement with it to drain the stormwater overflow from Hidden Valley Subdivision into the canal. Rather than draining the stormwater overflow into the canal he would like the City to allow the stormwater be drained into a stormwater retention pond. He would need to install a pipe across the Wellsville East Field Canal and then it would be piped into a regional pond that would allow other developments to drain into also. This would help solve drainage problems from Lifestyle Homes and Sierra Homes. Lifestyle and Sierra would have to participate in the cost of the land and the stormwater pond.

City Administrator Ron Salvesen said he has spoke with the City Engineer about this idea for a regional pond and the City Engineer agreed that this would be a great approach to address the stormwater problems in this area.

Marlin Grant, an Attorney for Wellsville East Field Canal Company, said the pipe can not be installed across the Wellsville East Field Canal Company's right-of-way without permission.

Roy Savage said getting a pipe across the canal would be easy and he would not interfere or damage the banks or the seal of the canal. He doesn't believe he needs permission to install the pipe from the canal company since the canal company doesn't have a deeded right-of-way or easement.

Marlin Grant, an Attorney for Wellsville East Field Canal Company, said before a pipe can be installed across the canal, the canal company has to give permission.

Roy Savage said the City and the Wellsville East Field Canal Company are requiring a fence to be installed on the East side of the canal. There is an existing fence on the East side of the canal and he wants to put the new fence in the exact location as the old fence. The fence is closer than the 20' that the canal company wants as an easement. The canal company has always maintained and accessed the canal from the West side and that access will still be there.

Marlin Grant, an Attorney for Wellsville East Field Canal Company, said the canal company wants the 20' easement on both sides of the canal.

Councilmember Rasmussen said if there is a regional stormwater pond that will be maintained by the City the property and a right-of-way will need to be deeded to the City.

ACTION

Councilmember James made a motion to approve the final plat for Hidden Valley Subdivision allowing the developer to construct a regional stormwater pond with the stipulation there is an agreement with Wellsville East Field Canal Company for the pipe to be installed through the canal company's easement. Councilmember Adams seconded the motion.

Marlin Grant, an Attorney for Wellsville East Field Canal Company, said a fence can not be installed on the canal company's easement. The fence has to be a minimum of 20' from the canal. The canal company does not want people driving or constructing things that can be burned in its easement.

City Administrator Ron Salvesen said he spoke with the City Attorney and the City Attorney said there could be a prescriptive easement for the canal company but there is no written easement. His suggestion was for the developer to install the fence in the same place as the old fence and if the canal company does not agree

with it then let the canal company prove that it has a 20' easement on each side of the canal.

Mayor Miller called for a vote on the motion.

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

OTHER BUSINESS:

SPORTS ACADEMY TENNIS INSTRUCTION.

City Recorder Stephanie Fricke said Sports Academy wants to partner with the local Cities to provide professional tennis instruction and programming in communities. They will provide the instructors, sign-ups, and billing if Hyrum City helps with advertisement and reserves its courts. Sports Academy will get 40% of the profit, the site director will get 40% of the profit, and 20% will go to the City.

ACTION

Councilmember James made a motion to enter into an agreement with Sports Academy to provide tennis lesson on the Hyrum City Tennis Courts under the terms and conditions discussed. Councilmember Clawson seconded the motion.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Adams said he attended a carbon free power plant tour with UAMPS. It was very informative and it is a neat concept. He is working on the 4th of July Parade.

Councilmember Rasmussen said the Museum Committee will be hosting the Annual Art and Quilt Show at the Elite Hall on March 23 and 24. There will be a folk art demonstration on the 23rd in conjunction with the art show. The telephone booth from the City's Canyon Power Plant has been brought down to the Museum.

Councilmember James said softball and baseball registrations will continue to be taken through the end of March.

Councilmember Bingham said the Youth Council attended a leadership conference at Utah State University last weekend. She has been busy working on the City float.

Councilmember Clawson said the Hyrum Easter Egg Hunt is on

Saturday, March 31 at 9:00 a.m. The Library is holding a book sale through the end of this week. He asked if the City Council could hold a workshop to discuss lot sizes, frontages, and setbacks. He would like varied lot sizes so there are no more cookie cutter lot subdivisions.

The City Council discussed holding a workshop on May 3 at 5:30 p.m. to discuss ideas for lot sizes in Hyrum.

Mayor Miller said the employee luncheon is on March 21 at 12:00 noon in the Hyrum Civic Center. Assistant Librarian Jill Baxter is retiring and a retirement party will be held on March 30 from Noon to 2:00 p.m. in the library. The City is still meeting with the contractor over the design plan for the new fire station. LaGrand Johnson's has offered to donate road grindings to the Blacksmith Trail Project. She met with the Mayor's Association and all of the communities on the south side of Cache Valley are concerned about fire protection and the number of volunteers that are in their communities during the day hours.

City Administrator Ron Salvesen said the proposed annexation of the property southeast of Hyrum has the City thinking of ideas on utility expansions and reimbursements. He asked the City Council if it would consider the City installing the main lines and allowing developers to reimburse the City upon connections. The City Council agreed to have the City Engineer look into a cost reimbursement and to provide an estimate on line extensions to that area.

ADJOURNMENT:

ACTION **There being no further business before the City Council,
the Council Meeting adjourned at 9:22 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder