

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD NOVEMBER 2 , 2017, 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, Kathy 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 43 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:**

**ACTION** Councilmember James made a motion to approve the minutes of a regular meeting on October 19, 2017 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 Clawson made a motion to approve the agenda for November 2, 2017 as written. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

## 9. SCHEDULED DELEGATIONS:

- A. Chelsea Kerr - To request approval of a Home Occupation Business License at 1163 East Hyrum Boulevard for a beauty salon.
- B. Tim Wilkinson - To discuss possible annexation of specific parcels of property from approximately 6200 South to 6800 South between 600 East and 1200 East.
- C. Jeff Daniels, Central Milling - To discuss development options for Blacksmith Fork Industrial Park.
- D. Friend Weller - To report on the transfer of Hyrum City's Low Power FM Radio License.
- E. Dan Larsen, Kartchner Homes - To request Final Plat approval for Phase 4 of Rolling Hills Estates consisting of 16 single family dwelling lots located at approximately 550 South 400 East.
- F. Dan Larsen, Kartchner Homes - To request approval of an amended Final Plat for Phase 3 of Elk Mountain a Planned Unit Development increasing the number of single family building lots from 6 to 7 lots located at approximately 1170 East 330 South.

## 10. OTHER BUSINESS:

- A. Budget report.
- B. Mayor and City Council reports.

## 11. 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.

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

***SCHEDULED DELEGATIONS*****CHELSEA KERR - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE AT 1163 EAST HYRUM BOULEVARD FOR A BEAUTY SALON.**

Chelsea Kerr said she wants to have a beauty salon in her home. She wouldn't have more than one customer at her house at one time. She has three parking spaces in her driveway.

**ACTION**

**Councilmember Clawson made a motion to approve a Home Occupation Business License at 1163 East Main Hyrum**

**Boulevard for a beauty salon. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

**TIM WILKINSON - TO DISCUSS POSSIBLE ANNEXATION OF SPECIFIC PARCELS OF PROPERTY FROM APPROXIMATELY 6200 SOUTH TO 6800 SOUTH BETWEEN 600 EAST AND 1200 EAST.**

Tim Wilkinson said he owns property between 600 East and 1200 East on 6800 South. He went to the County to subdivide his property and the County recommended that he annex his property into Hyrum. He came into the City to inquire about annexation and was told Corey Nielsen, who owns property adjacent to his, was also interested in annexing his property. He spoke with Corey and Corey knew of other people that were interested in annexing. There is approximately 230 acres owned by eight different property owners (Don and Janice Clawson, Claudia Evans, Corey Nielsen, Farrell Petersen, Dean and Ruth Harrison, James Nielsen Trust, and Wilkinson Family) that want to annex into Hyrum City. A property owner adjacent to City limits was contacted to see if they were interested in annexing, but they were not. This will leave an island which State Law didn't allow at one time, however, State Law has changed and now allows islands and peninsulas. He asked the City Council if they would be interested in annexing this property and if they could foresee any problems or concerns with the annexation. The property owners would like to continue farming so they do not want to turn in irrigation shares upon annexation they would prefer to turn them in upon development.

Councilmember Rasmussen said as part of the annexation, separate annexation agreements would be written for each property that would address any concerns, special circumstances, requirements, and could allow water to be turned in upon development. The City requires development to pay its way and the City doesn't pay to extend utility lines.

Councilmember Clawson said there is a mink ranch adjacent to the property being proposed for annexation. There are concerns about development of the property by the mink ranch owners (Cody and Collette Mathews). The City would have to restrict lighting to dark sky lighting for the property adjacent to the mink ranch, and a fence should probably be installed. Also an annexation agreement for the Wilkinson property would need to include details on how wastewater that is currently being stored behind the plant would be addressed and treated.

Lynn Mathews said he started the mink ranch at that location long before any houses were built out there. He built it there to be away from people. He doesn't believe a mink ranch should be inside or surrounded by city limits. Mink cannot have artificial light or it affects the minks breeding and gestation cycles. There have been many court cases that have been won by the mink ranchers to protecting their mink ranch from artificial light sources. If the surrounding property is developed there will need to be tall fences installed to protect the mink from automobile lights, and dark sky lighting will have to be enforced on all street lights.

Chet Olsen said his brother also owns a mink ranch near the proposed annexation. That mink ranch will need to be protected also. He is concerned about the canal along Highway 165 and the width of the road. There is a large canal on the west side of Highway 165 and the 6800 South road is very narrow. He is also concerned about a ditch that runs through the Wilkinson property on the west side of Highway 165 since it always overflows and floods that property.

Councilmember Clawson said when the property is developed the developer will have to pipe open ditches.

Kyle Richardson said he purchased his house that is adjacent to the proposed annexation to be away from houses and to not have to pay city taxes. He doesn't want to be forced to annex into the City. He is concerned about the safety of the roads on both 6800 South and Highway 165.

Councilmember Rasmussen explained to Kyle Richardson that his property wasn't included in the proposed annexation and that if it wasn't annexed he wouldn't be paying any city property taxes. People have property rights and just because a neighbor doesn't want development that doesn't mean that neighbor has the right to stop someone else from doing what they want with the property they own. The only way to stop it is to buy the property.

Clint Goldsberry said he owns a home on 6800 South and is not inside City Limits, however, he is provided by Hyrum City culinary water and the water line ends in front of his house. He is concerned about Hyrum City being able to supply additional growth with water, electricity, and irrigation water. His daughter lives on the east side of Hyrum and there are times she has extremely low water pressure. Does Hyrum City have enough money to pay to extend utilities to these properties? He is also concerned about

safety issues with the roads in this area.

Mayor Miller said Hyrum City has plenty of water and water storage for future growth. Hyrum City doesn't pay to extend utility lines that is the responsibility of the developer or through impact fees. Highway 165 is owned and maintained by UDOT and as traffic increases on Highway 165 it will have to be widened just like it has been widened in Nibley. The traffic on Highway 165 from Paradise to Hyrum is increasing because of the growth taking place in Paradise and Avon.

Tama Mathews said the mink ranch is in an Agriculture Protection Zone and the City and anyone building needs to be aware of the rights and protection that zone offers.

Tim Wilkinson said he tried to expand his dairy but the residents in that area were opposed to it and complained to the County. He was not allowed to extend his dairy and so he tried to develop his ground in the County, the residents complained and protested against that also. He has property rights and if they want to control his property then they need to buy it. It is not fair that he can't do anything with his property, when neighboring property owners have just as large of an impact on his property. Before he pays for the property to be surveyed and pays the filing fees at the City he wants to know if the City is interested in annexing it.

The City Council said they would be interested in annexing the property but there most likely would be conditions.

**JEFF DANIELS, CENTRAL MILLING - TO DISCUSS DEVELOPMENT OPTIONS FOR BLACKSMITH FORK INDUSTRIAL PARK.**

Jeff Daniels said Central Milling purchased ground in the Blacksmith Industrial Park to expand its business, however, the expansion is not going to be necessary and Central Milling has been trying to sale the property. There has not been one interested buyer in the last year for the property. There is no demand for a manufacturing business at that location because it is not on a major highway. He asked if the City would consider zoning the property residential. There are some pretty view lots on the east edge of the property for residential homes. If the City Council didn't want to rezone the entire piece of property it could just rezone the outer piece residential and keep the interior manufacturing.

Councilmember James said he would prefer seeing a concept plan before making a recommendation as to whether to proceed with rezoning the property.

Councilmember Rasmussen said his concern would be the truck traffic driving through a residential neighborhood.

Councilmember James said this property has always been zoned manufacturing and has been the designated area for manufacturing businesses.

Jeff Daniels said he would bring back to the Council a proposal for development if the property was to be rezoned residential

**FRIEND WELLER - TO REPORT ON THE TRANSFER OF HYRUM CITY'S LOW POWER FM RADIO LICENSE.**

Friend Weller said he operated the FM radio station for one day from the City's water reservoir site and the station could be heard up Blacksmith Fork Canyon, Sardine, and through Logan. He wants to move forward with setting up a 46' tower and putting a small equipment rack and circuit panel in the City's chlorinator building by the water reservoir. He would like to have it installed before winter.

Ken Allsop said he is an attorney and he is helping Friend with the application and paperwork to transfer the City's FM Radio License to Friend's nonprofit corporation. There are applications that have to be filled out in a timely manner and sometimes it needs to happen quickly. He is also working on the contract to transfer ownership from Hyrum City to Friend.

Councilmember Rasmussen recommended Friend move forward with having Ken Allsop write the contract to transfer ownership and to have it include a clause that will let Friend out of the license, and also Hyrum City if Friend is no longer the operator.

**DAN LARSEN, KARTCHNER HOMES - TO REQUEST FINAL PLAT APPROVAL FOR PHASE 4 OF ROLLING HILLS ESTATES CONSISTING OF 16 SINGLE FAMILY DWELLING LOTS LOCATED AT APPROXIMATELY 550 SOUTH 400 EAST.**

City Administrator Ron Salvesen said City Staff and the city Engineer have reviewed the Final Plat for Phase 4 of Rolling Hills Estates and is recommending approval. This phase has some larger lot sizes that will add variety to the subdivision.

Councilmember Rasmussen recommended amending the cul-de-sac street address from 300 East to 410 East.

**ACTION**

Councilmember Rasmussen made a motion to approve the Final Plat for Phase 4 of Rolling Hills Estates consisting of 16 single family dwelling lots locate at approximately 550 South 400 East with the following conditions: 1. The cul-de-sac street be changed to 410 East and other plat dimensions; 2. The conditions from the Planning Commission; and 3. City Engineer approval on the construction drawings. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**DAN LARSEN, KARTCHNER HOMES - TO REQUEST APPROVAL OF AN AMENDED FINAL PLAT FOR PHASE 3 OF ELK MOUNTAIN A PLANNED UNIT DEVELOPMENT INCREASING THE NUMBER OF SINGLE FAMILY BUILDING LOTS FROM 6 TO 7 LOTS LOCATED AT APPROXIMATELY 1170 EAST 330 SOUTH.**

Dan Larsen said Kartchner Homes wants to amend the Final Plat for Phase 3 of Elk Mountain a Planned Unit Development to increase the number of single family buildings lots from 6 to 7. The original approval included an open space area on the corner lot. Rather than having a small area with grass they are asking the City to allow them to change it to a building lot.

Councilmember Clawson reminded Dan Larsen that a fence would need to be included along the west border of Elk Mountain.

**ACTION**

Councilmember James made a motion to approve the amendment to the Final Plat for Phase 3 of Elk Mountain a Planned Unit Development to increase the number of single family building lots from 6 to 7 with the condition that in exchange for the seventh building lot the developer add additional amenities in the main park area as required by the City Administrator. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

***OTHER BUSINESS:*****BUDGET REPORT.U**

City Administrator Ron Salvesen reviewed the 2017-2018 General

Fund and reported that everything looks great for the first quarter of the budget year. The City Auditors have been here all week auditing the 2016-2017 Budget Year and will present their findings at the December City Council Meeting.

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Adams asked about the Cache Summit training opportunity and asked if any other Councilmembers were going to attend. Councilmember Rasmussen said the Cache Summit is educational and definitely worth going to, he reviewed the agenda and there are pertinent topics.

Councilmember Rasmussen said Holidays at Hardware Ranch in Saturday, December 2. The Elite Hall Movie Night is on November 17<sup>th</sup> at 7:00 p.m.

Councilmember Bingham said the Hyrum Princess Pageant will be held on January 27<sup>th</sup>, and a parent meeting on January 6.

Councilmember Clawson said the library has some fun programs running, such as, Lego Club, Book Clubs, and the month of December kids can make an ornament.

City Administrator Ron Salvesen said the notice advertising bids for the lease of the Richmond Irrigation shares, and for lawncare at the Cemetery will be published in the Herald Journal on November 5.

Mayor Miller asked Councilmember Clawson if he would be willing to serve on the RFP Committee for the new fire station. Councilmember Clawson accepted.

**ADJOURNMENT:**

**ACTION**

**There being no further business before the City Council,  
the Council Meeting adjourned at 8:20 p.m.**

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Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: November 16, 2017  
As written