

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 3, 2016,  
AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

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

**CONDUCTING:** Mayor Stephanie Miller

**ROLL CALL:** Councilmembers Kathleen Bingham, Jared L. Clawson, Craig L. Rasmussen, and Aaron Woolstenhulme were present. Councilmember James arrived at 6:43 p.m.

**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 fourteen citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

**INVOCATION:** Councilmember Clawson

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on October 20, 2016 were approved as written.

**ACTION** Councilmember Bingham made a motion to approve the minutes of a regular meeting on October 20, 2016 as written. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, Rasmussen, and Woolstenhulme voted aye. The motion passed.

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was FAXED and 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 3, 2016 as published. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, Rasmussen, and Woolstenhulme voted aye. The

**motion passed.**

AGENDA

9. SCHEDULED DELEGATIONS:
  - A. Jeremy Otero - To request a Home Occupation Business License at 665 Park Drive for landscaping and transportation.
  - B. Ben Farnsworth, Neighborhood Nonprofit Housing Corporation - To request a one year extension of approval for the Final Plat of Phase 1 of Mountain View Estates located at approximately 1330 East 500 South.
  - C. Dan Larsen, Kartchner Homes - To request Final Plat approval for Phase 2 of Elk Mountain Development consisting of 5 single family building lots located at approximately 1320 East 425 South.
10. INTRODUCTION AND ADOPTION OF AN ORDINANCE AND A RESOLUTION:
  - A. Ordinance 16-09 - An ordinance adding Section 13.16.600 Feed-In Tariff Policy.
  - B. Resolution 16-29 - A resolution setting Feed-In Tariff fee schedule.
11. OTHER BUSINESS:
  - A. 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.

Mayor Miller introduced Cache County Sheriff Deputy Virgil Hutton who will be serving as Hyrum City's Daytime Officer.

Cache County Sheriff Deputy Virgil Hutton said he has been assigned Hyrum City and is looking forward to serving the community. He moved from Florida to Utah several years ago to pursue a career in law enforcement. He enjoys his job with the Cache County Sheriff's Office and hopes to make a difference in Hyrum. He invited the City Council to contact him with any concerns or questions with law enforcement issues in the City.

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

***SCHEDULED DELEGATIONS:***

**JEREMY OTERO - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT**

**665 PARK DRIVE FOR LANDSCAPING AND TRANSPORTATION.**

Jeremy Otero said he wants to operate a landscaping and transportation business out of the house he lives at 665 Park Drive. He will have a truck and trailer on the site for his business and some landscaping products.

Councilmember Rasmussen Hyrum City's home occupation business license ordinance prohibits outside storage of goods and materials. A truck and trailer would be allowed as long as it was parked on his property. He asked Jeremy Otero about the large pile of mulch in front of his house and the tires that are located on the northeast part of his property.

Jeremy Otero said the pile of mulch and the other items at his residence are not part of his business they are for personal use. He will be tilling in the mulch into his and his neighbors gardens. The tires are going to be used as a fence along his property.

Councilmember Rasmussen said old tires are considered a nuisance in Hyrum due to them being unsightly and a breeding/harboring ground for mosquitoes and rodents.

Jeremy Otero said his plans for the tires are to create a tire fence with a stucco exterior. He showed the City Council a photo of a tire fence with a stucco exterior. He will brace the tires, fill the center with dirt, and then stucco the outside of the tires.

Councilmember James arrived at 6:43 p.m.

Councilmember James said he has concerns about how long the tire fence will take to construct and complete with stucco. He is concerned about the tires being a breeding ground for mosquitoes, and blight on the neighborhood.

Councilmember Bingham said she too is concerned about the tire fence and asked how long before he would have it completed.

Jeremy Otero said he needs a fence and this is the cheapest way for him to get one. It is work in progress and right now he doesn't have a deadline to complete it.

Councilmember Bingham said before Jeremy goes any further building the fence he will need to ensure it is on his property and not the City's property. If he wants to build the fence with tires, fill

them with dirt, and stucco the tires she wouldn't be opposed to it but it does need to be completed in a timely manner.

Councilmember Rasmussen said if Cache County's website is correct on parcel lines the tires are on Jeremy's property, however, the mulch on the south side of the lot is on City property and needs to be removed immediately. It is in violation of City ordinance to store or dispose of leaves, grass clippings, garbage, gravel, dirt, etc. on City property.

Councilmember James said Hyrum City's ordinance prohibits a home occupation business from deterring from the neighborhood. The way the property is now it is in violation of several Hyrum City ordinances. The property needs to be in compliance with current City Ordinances before a business license is granted.

Councilmember Rasmussen asked Jeremy Otero what types of products he would be using for his landscaping business and reminded him that stock piles of supplies couldn't be at the residence since it is a home occupation business license in a residential zone.

Jeremy Otero said he will be getting a slag product from Nucor that can be used in driveways and for landscaping. He will not store the slag at his house.

Councilmember James said the Home Occupation Business License ordinance states that a business will have virtually no negative impact on a residential neighborhood and that it will comply with all City Ordinances. Since the property does not meet current City ordinances due to garbage, junk, tires, debris and lumber on City property he doesn't think the City should issue a license until it is in compliance with current City ordinances. The City has recently received complaints from neighboring residents regarding the condition of Otero's property. The neighbors have asked the City to enforce its ordinances and require the property to be vacated of all nuisances.

Councilmember Rasmussen said he would be willing to allow Jeremy a business license with the conditions that he cleans up the property, parks the truck and trailer in the back yard on a gravel or cement pad, works on finishing the tire fence, and that he complies with the Home Occupation Business License Ordinance.

Mayor Miller asked Jeremy if he was the owner of the home  
Jeremy Otero said he doesn't own the property his mother does.

Mayor Miller said he would need a letter from the property owner stating that she has approved the use of the business on her property. A business license cannot be issued until the City receives that letter.

Councilmember Clawson said he has concerns about the condition of the lot. The City has received complaints from the neighbors: tires, weeds, and debris and it not being in compliance with City Code. There are some general housekeeping items that need to be addressed as part of the business license approval.

**ACTION**

Councilmember Rasmussen made a motion to approve a Home Occupation Business License for Jeremy Otero at 665 Park Drive for landscaping and transportation with the following conditions: 1. An aesthetically pleasing fence - if it is a tire fence then it will need to be braced, filled with dirt, and stucco on the exterior; 2. If a tire fence is used that the tire fence is completed with stucco by June 1, 2017 or business license will be revoked; 3. Outside storage of materials is not permitted; 4. The mulch or any other items on City property be removed immediately - City ordinance doesn't allow storage or disposal of items on City property; 5. All other nuisances as defined by City ordinance on the property be cleaned up; 6. The business ~~truck~~ trailer be stored behind screen fenced ~~the residence~~; and 7. A

**AMENDED**

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letter from the property owner be provided to the City authorizing the use of a business on his/her own property before a license is issued. Councilmember Woolstenhulme seconded the motion.

Councilmember James recommend amending the motion to include this business license will need to be reviewed annually by the Hyrum City Council and is not automatically renewed. Councilmembers Rasmussen and Woolstenhulme accepted the amendment to the motion.

Mayor Miller called for a vote on the motion and Councilmembers Bingham, Clawson, Rasmussen, and Woolstenhulme voted aye. Councilmember James voted nay. The motion passed.

BEN FARNSWORTH, NEIGHBORHOOD NONPROFIT HOUSING CORPORATION - TO REQUEST A ONE YEAR EXTENSION OF APPROVAL FOR THE FINAL PLAT OF PHASE 1 OF MOUNTAIN VIEW ESTATES LOCATED AT APPROXIMATELY 1330

**EAST 500 SOUTH.**

Ben Farnsworth with Neighborhood Nonprofit Housing Corporation said it is coming upon a year since the Neighborhood Nonprofit Housing received Final Plat approval for Phase 1 of Mountain View Estates located at 1330 East 500 South. They are still working with Elk Mountain PUD to get an access through its property. There may be some changes to the Final Plat once roadways are determined to allow the roads in Mountain View Estates to align with the roads in Elk Mountain.

Councilmember Clawson said he still has concerns with the number of accesses on 6200 South since it will be a main arterial road. Now that this development needs an extension granted this would be the time for the City to consider reducing the accesses onto 6200 South. As those fields in that area are developed 6200 South will be the main access road and the City needs to plan and prepare for future growth and how it will accommodate traffic. Also there is a big problem with the location of the irrigation line that goes through the property. The line is less than three feet deep in places and it is lined up with the backyard property line on several lots. If someone was to dig and hit the line there would be massive flooding in that area. This line is a main line and if it were to break or rupture there would be homes damaged and flooded. The line needs to be moved under a road.

Councilmember Rasmussen said he too is concerned with the number of accesses onto 6200 South and would like it reconfigured.

City Administrator Ron Salvesen said the developer has already went through final plat approval and it is not fair to change the requirements at this time. It would be costly to redesign the development.

Councilmember Rasmussen said he agrees that it would be costly for the developer and maybe the number of accesses won't be a problem. However, the ordinance requires a developer to get approval again if it's been over one year to allow the City to review the subdivision and look at its ordinances to ensure the development still complies, and if additional information affecting the development is discovered that information can be addressed.

Ben Farnsworth said the irrigation pipeline was approved in the backyards and a larger setback was planned for by the developer. This information had always been known and he thought the City had addressed its concerns and the developer had met the conditions

set by the City when it receive approval less than a year ago. There is no new information.

Councilmember Clawson said the irrigation line is owned by Elk Mountain, Neighborhood Nonprofit, and his family. If the line needs to be moved by someone that person or group needing the line moved should have to pay for it. The line has to be moved it can't be in someone's backyard due to liability issues. The line should be moved to the road and constructed to meet City specifications.

**ACTION**

Councilmember James made a motion to approve a one year extension to the final plat for Phase 1 of Mountain View Estates located at approximately 1330 East 500 South with the condition that lots 1 through 6 will not be developed until the location of the irrigation line has been resolved. Councilmember Bingham seconded the motion.

Councilmember Clawson said the developers will need to know where the irrigation line is supposed to go before it develops the ground and builds a road. Once a road is in the irrigation line will not be able to be moved as easily.

Councilmember James withdrew his motion.

**ACTION**

Councilmember Clawson made a motion to approve a one year extension to the final plat for Phase 1 of Mountain View Estates located at approximately 1330 East 500 South with the condition that a resolution on the relocation of the irrigation line be finalized by March 1, 2017 before any development occurs. Councilmember James seconded the motion.

Councilmember Rasmussen recommended amending the motion to also require the developer to reconsider the handling of stormwater from having it drain into off street swales, the developer should use catch basins with a bubble-up. It's a minor change that the developer should be able to make. Councilmember Clawson and James accepted the amendment to the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed

**DAN LARSEN, KARTCHNER HOMES - TO REQUEST FINAL PLAT APPROVAL FOR PHASE 2 OF ELK MOUNTAIN DEVELOPMENT CONSISTING OF 5 SINGLE FAMILY BUILDING LOTS LOCATED AT APPROXIMATELY 1320 EAST 425 SOUTH.**

Dan Larsen with Kartchner Homes said Phase 2 of Elk Mountain only consists of five single family building lots. It has received preliminary plat approval from both the Planning Commission and City Council.

City Administrator Ron Salvesen said the utilities are already stubbed to these lots. There is a slight change to the size of the lot increasing the size of the lots and reducing the number from 6 to 5 lots.

**ACTION**

**Councilmember Woolstenhulme made a motion to approve the Final Plat for Phase 2 of Elk Mountain Planned Unit Development located at 1320 East 425 South consisting of five residential single family building lots. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.**

***INTRODUCTION AND ADOPTION OF AN ORDINANCE AND A RESOLUTION:*****ORDINANCE 16-09 - AN ORDINANCE ADDING SECTION 13.16.600 FEED-IN TARIFF POLICY.**

City Electric Superintendent Matt Draper said Hyrum City's current net metering policy is very vague and doesn't address some of the issues that protect the City and the customers. Matt explained the difference between a net metering policy and a feed-in tariff policy. The feed-in tariff policy will allow a customer to have the metering cycle run from April to April which will allow the credit the customer has earned in the summer months to be used by the customer during the winter months. The amount of electricity generated by the solar powers will be metered and any excess generation will be credited towards the customer's utility bill. To ensure a customer is getting a product with proper installation from a supplier the City will require an engineer to review the plans. The City will charge the customer a minimal fee of \$400 to cover engineering review and the cost of the meter. The \$400 will be required upfront. The ordinance that the City used as a template is being used by other member cities of UAMPS.

**ACTION**

**Councilmember Rasmussen made a motion to adopt Ordinance 16-09 adding Section 13.16.600 Feed-In Tariff Policy to the Hyrum City Municipal Code and to grandfather existing customers using net metering. Councilmember Clawson seconded the motion and Councilmembers Bingham,**



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

**RESOLUTION 16-29 - A RESOLUTION SETTING FEED-IN TARIFF FEE SCHEDULE.**

**ACTION**

Councilmember Rasmussen made a motion to approve Resolution 16-29 setting the Feed-In Tariff Fee Schedule with the following amendments: 1. Change Class 1 from "1 kW - 100 kW" to "1 kW - 150 kW"; 2. Change Class 2 from ">100 kW to 1,000 kW" to ">151 kW to 1,000 kW"; and 3. Change "\$400 for a production meter and an engineer review plan, plus \$1 per kW installed capacity" to "A minimum of \$400 for a production meter and an engineer review plan; or \$1 per kW installed capacity - whichever amount is greater." Councilmember James seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

***OTHER BUSINESS:***

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Rasmussen said there will be an art and quilt show held in the Elite Hall this Friday and Saturday and any revenue generated will go towards the Elite Hall Restoration Project. He is working on Holidays at Hardware Ranch that will be held Saturday, December 3, 2016. He asked the City Councilmembers if they would help that Saturday as in the past.

Councilmember Clawson said Library Director Emily Coltrin is implementing a new program for teens. It will be held on Friday afternoon and will give teens something constructive to do but will also be fun and social. Hyrum Irrigation Company met last week and it was determined that assessments on irrigation shares will remain the same as last year.

Mayor Miller said several years ago Hyrum City appointed Tom LaBau to be the City's mosquito abatement representative. It is time to reappoint someone to that position. She asked Tom if he wanted to continue to serve and he said that it was time for him to move on and that someone else could have the opportunity. She asked if there was a Councilmember interested in serving on that board. Councilmember James said he would accept the appointment of that

position. There will be a resolution appointing him to the Cache Mosquito Abatement District on the December 1 City Council agenda.

**ADJOURNMENT:**

**ACTION**            **There being no further business before the City Council,  
the Council Meeting adjourned at 8:15 p.m.**

ATTEST:

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Stephanie Miller  
Mayor

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Stephanie Fricke  
City Recorder

Approved: November 17, 2016  
              As Amended