

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 19, 2016, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

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

**CONDUCTING:** Mayor Pro-Tempore Paul C. James

**ROLL CALL:** Councilmembers Kathleen Bingham, Jared L. Clawson, Paul C. James, Craig L. Rasmussen, and Aaron Woolstenhulme were present.

**EXCUSED:** Mayor Stephanie Miller

**CALL TO ORDER:** There being five members present and five members representing a quorum, Mayor Pro-Tempore James called the meeting to order.

**OTHERS PRESENT:** City Administrator Ron Salvesen and 28 citizens. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Pro-Tempore James 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 May 5, 2016 were approved as written.

**ACTION** Councilmember Clawson made a motion to approve the minutes of May 5, 2016 as written. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, 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 May 19, 2016 as written. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.**

## AGENDA

8. PUBLIC COMMENT
9. SCHEDULED DELEGATIONS:
  - A. Troy Kartchner, Elk Mountain PUD - To request amending the Concept Plan for Elk Mountain a Planned Unit Development to increase density from 288 units to 438 units as follows: 1. Add a 182 unit Multi-Family Apartment Complex; 2. Reduce the number of townhouses from 158 to 109; 3. Reduce the number of single family building lots from 106 to 99; 4. Keep the number of twin homes at 24 units; 5. Add a 14 unit Retirement Apartment Complex; and 6. Add 10 retirement building lots.
  - B. Stewart Lamb, Kilgore Company - To request site plan approval for a concrete ready mix batch plant at 380 North 1000 East.
  - C. Stewart Lamb, Kilgore Company - To discuss the conditions and requirements to be included in the annexation agreement for Kilgore Company.
10. OTHER BUSINESS:
  - A. Tentative adoption of the 2016-2017 Operating Budgets and setting a date for a public hearing.
  - B. Consideration and approval of a Cable Television Franchise Agreement between Comcast and Hyrum City.
  - C. Mayor and City Council reports.
11. ADJOURNMENT

**PUBLIC COMMENT:**

Mayor Pro-Tempore James said he along with the Hyrum City Council received 13 letters from residents regarding the proposed Elk Mountain Planned Unit Development Concept Plan: Letters opposed - Megan Woolstenhulme, Cheli Barfus, Jacob Bowers, Jenny Garlock, Cheryl Olsen, Tiffany Farnsworth, Kristen Halligan, Wendy Bowers, Andrew Haslem, and Janae Campbell; and Letter in favor Sandy Biggs.

Mayor Pro-Tempore James asked those residents present and wanting to comment to please keep all comments under two minutes.

Andrew Haslam presented the City Council with a petition that

included over 250 names of Hyrum residents wanting to keep Hyrum rural by saying no to current proposed plan for high density housing and install a city ordinance to protect against it in the future. Allow Hyrum to grow at a natural sustainable rate by those who want to own a stake in their neighborhood and community.

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Marci Bingham said this is the third time in less than six months that residents have had to come to City Council Meeting fighting to keep high density housing of their neighborhoods. It's not fair to the citizens nor is it right. Each time they have been before the Planning Commission and City Council there has been an overwhelming majority of citizens asking the City Council to not approve this type of development in Hyrum. The residents should not have to keep coming back to fight this type of development out of their community. Hyrum City's General Plan does not have this area zoned for high density housing and it was approved last year by the City Council. She asked the City Council to follow its General Plan and do what is in the best interest of the City and its residents by denying the proposed high density housing in Elk Mountain Planned Unit Development.

Andrew Haslam said he has lived in Hyrum 26 out of his 30 years. The General Plan states over and over through out the document to keep Hyrum with a rural atmosphere and preserving its rural heritage. High density housing is not rural and especially not at the level that is being proposed for Elk Mountain. If there are 3.75 people per household the proposed density of Elk Mountain would hold over 1,616 people and that is 13,200 people per square mile. That is almost double Hyrum City's current populations for one small area of Hyrum. Residents helped with the General Plan and provided their input he hopes the City Council will listen to the residents of their City and not approve the proposed plan for Elk Mountain.

Megan Woolstenhulme said she lives on the east side of Hyrum and this is close to her backyard and it is close to the majority of the residents that have been at the last three meetings opposing high density housing. She understands that there is a need for a place for our children to live, however, does Hyrum need to provide 182 apartments in one area. The density is a huge concern to her. It isn't okay to have that many people in one area. Strong neighborhoods with stability are single family homes there could be some room for multi-family housing in those neighborhoods but definitely not at this density in one area. There will be no stability. Residents of Hyrum make it a great place to live by

working together but the majority of residents that volunteer in schools, churches, city functions, and give back to the City are those that are vested and have an ownership in the community. Generally people who rent are more transient oriented and will not provide the stability Hyrum needs. She is opposed to the number of apartments being requested and hopes the City Council will consider the concerns of its residents. She asked each Councilmember to tell her how they feel about this proposed development.

Cade Bassett said Elk Mountain is not his backyard or near his neighborhood where he lives. However, he moved to Hyrum because of the rural feel and how the City has managed growth throughout the years. He believes in growth but it should be managed planned growth. He loves living in Hyrum and wants the City Council to keep Hyrum's development with single family homes and not high density housing.

Ben Haslam said he has been a long time resident of Hyrum and does not live near this project but is concerned about how it will greatly change the feel on Hyrum. Building high density housing does retain more land but it doesn't preserve the feel of small town. Hyrum City is not getting open space anywhere in this development that will help maintain a rural feel. Instead the developers are getting quantity development and the residents are not getting quality housing. He lived in Blackhawk Condominiums for a while and they were promised a pool, club house, open space, etc. but none of those promises happened. Instead the original developer sold it and new management took over with a new plan. Blackhawk is not a desirable place to live and Elk Mountain will have a higher density than Blackhawk. This 80 acre piece will hold 16 to 17% of Hyrum City's entire population.

Jeff Hertzler said in August the City Council denied Kartchner's request for 138 apartments on the east side of Hyrum, then in March Kartchner came back and asked for 150 apartments and was denied, now he is asking for 182 plus 14 retirement apartments. Each time it was denied there was a concern about density of apartments. Troy Kartchner was asked if he would consider decreasing density at the last meeting and he said no. He also said he would not be back to request future approval for the Elk Mountain property. The City Council requested a joint meeting with the Planning Commission to discuss high density housing after Troy Kartchner was denied in March. That meeting has not been held as of today. He doesn't think the City should be considering this type of density until a meeting has been held with the Planning Commission

to discuss apartments.

Jake Garlock said he hopes the City Council considers the residents and the developer's rights before approving this development. He hopes there is a compromise that can be made between the developer and the City to reduce density, increase open space, etc.

Cody Hugie said when he was running for Mayor of Hyrum he went out and spoke to the residents and listened to their concerns. The biggest responsibility the Council has is to listen to its citizens. The City Council is elected by the citizens of Hyrum not the developer and how the City Council votes tonight will determine the next election. Citizens have been in front of the City Council on three separate occasions to express their opinions on high density housing. He encouraged the City Council to support its residents by voting no to this development. Take into consideration the number of citizens that have signed the petition, wrote letters, and attended meetings to oppose the number of apartments in one small area.

Jenny Bassett said she is strongly opposed to high density now and in the future. She wants to see Hyrum remain single family developments as much as possible. She moved here 10 years ago because of the lower density subdivision. Large high density housing developments will change Hyrum City drastically and this is not a responsible change if the City Council votes in favor of the proposed development.

Naylene Nielsen said high density housing is problem because there is no ownership. Single family housing takes responsibility for their property. Apartments aren't owner occupied and tend to get ran down and it becomes a transient community. Residents take pride in the community, but transients are not here nor are they planning on being here for a long period of time.

Nathan Skoby said he moved his family to Hyrum in October and he chose Hyrum because of the rural feel. They moved to Hyrum to get away from apartments and high density housing and the problems that are created in those types of neighborhoods. He hopes the City Council will not approve the development.

Ben Farnsworth said he lives in Hyrum and works for Neighborhood Nonprofit Housing. He moved to Hyrum to get out of an apartment, but not away from apartments. Apartments are needed in every community and are necessary to preserve land.

There being no further public comment, Mayor Pro-Tempore James moved to the next agenda item.

***SCHEDULED DELEGATIONS:***

**TROY KARTCHNER, ELK MOUNTAIN PUD - TO REQUEST AMENDING THE CONCEPT PLAN FOR ELK MOUNTAIN A PLANNED UNIT DEVELOPMENT TO INCREASE DENSITY FROM 288 UNITS TO 438 UNITS AS FOLLOWS: 1. ADD A 182 UNIT MULTI-FAMILY APARTMENT COMPLEX; 2. REDUCE THE NUMBER OF TOWNHOUSES FROM 158 TO 109; 3. REDUCE THE NUMBER OF SINGLE FAMILY BUILDING LOTS FROM 106 TO 99; 4. KEEP THE NUMBER OF TWIN HOMES AT 24 UNITS; 5. ADD A 14 UNIT RETIREMENT APARTMENT COMPLEX; AND 6. ADD 10 RETIREMENT BUILDING LOTS.**

Dan Larsen said Troy Kartchner was unable to be at tonight's meeting. Troy brought in a concept plan for the Elk Mountain Planned Unit Development property in March. The City Council denied that plan. After that meeting Troy reworked the concept plan to address some of the concerns that were brought up by the Planning Commission and City Council. The apartments have been moved to the north end of the property bordering Hammer Road. The clubhouse, spa, and pool will be built up front in the first phase of development. Construction will start on the west end and move eastward. This development will be marketed as a stay forever community. People will be able to start living in the area in apartment then buy a single family home and then retire and move to one of the retirement homes or apartments. Traffic should be less of a concern with this concept plan since the majority of the traffic will use Hammer Road rather than using residential neighborhoods to get to the main Highways. Construction on the townhouses will not start for two years. Dan showed pictures of the various clubhouses they have built to give the City Council a good feeling of what the clubhouse will look like when built.

Councilmember James said 182 unit apartment complex is a lot of apartments. He had hoped that Troy would propose a lower number of apartments rather than increasing the number from March.

Dan Larsen said this type of apartment complex with the amenities that will be provided would not work with a lower number of rental units. There will be an on-site apartment manager and maintenance employees to maintain the apartments and amenities.

Councilmember James asked how many apartments will be built at one time.

Dan Larsen said the apartments will be built in 50 unit increments. When they are at a high occupancy rate then more apartments will be built. In order for investors to be interested in the project there has to be a guarantee of a specific number of apartments. An investor wants to make sure that his/her money will be recovered. Amenities will be built in the first phase which requires a lot of upfront money.

Councilmember James said the City has heard a lot of concerns from its citizens. He would prefer giving approval for 30 to 50 units and if the apartments look great and there aren't any problems then the City would allow more.

Dan Larsen said in order for this project to happen the City Council will have to approve the entire concept plan. Without approval of a specific number of apartments they cannot take the financial risk of building a club house, pool, parks, etc. up front.

Councilmember Woolstenhulme said he has never visited an apartment complex of Kartchners and therefore has no idea how well maintained his properties are. He asked Dan if there are another apartment complexes of this density in a community as small as Hyrum.

Dan Larsen said they have done large for sale projects but not a large rental unit project in a community similar to Hyrum's demographics. There are several large apartment complexes in Smithfield and Logan and the units are full and more apartments are being built.

Councilmember Rasmussen said earlier in the meeting Megan Woolstenhulme asked each City Council to give her his/her opinion on the proposed Elk Mountain Development. Ten years ago he was against multi-family housing developments but over the years he has seen a need for apartments, partly because of the opportunity to work on Envision Cache Valley Vision. The Envision Cache Valley Vision's statement is Cache Valley citizens envision a future that embraces the character and quality of life that residents currently appreciate. Our communities are a source of pride and identity. We want to invest in our towns which have served us well as centers for living, industry and culture. We encourage most growth to happen in these communities, maintaining and creating safe, vibrant and rich places for future generations. Our communities will be sensitive to the varied needs of a diverse population by

providing viable housing and transportation options for everyone. What happens outside our towns is equally important. We value our natural surroundings: water quality, scenic beauty, wildlife habitat, clean air, agriculture, and outdoor recreation. We will maintain and enhance those qualities we enjoy today, while attending to those things that could compromise our quality of life and the health of those who come after us. By focusing much of our future growth in existing municipalities, we will reduce the pressure on many of the features that make Cache Valley great. Further, we will work together to maintain and enhance the agricultural and natural lands that sustain us. There are growth estimates for Cache Valley and in 2040 Cache Valley's population will double and then by 2060 it will add an additional 110,000 people. The focus of rural feeling isn't felt because of single family houses. If there were single family homes all over the east bench Hyrum would have no rural feel because all of the farmland would be gone. Open space makes a rural feel and there is no rural feel in subdivisions with single family houses. The General Plan states that the east side of Hyrum is low and medium density. Low to medium density is five to eighteen units per acre. This development meets the designation of low to medium density in Hyrum City's General Plan. As a public official acting as a land use official in a public position we have to follow City ordinances.

Developers have rights and courts have proven again and again that you have to allow development and follow your ordinances.

Councilmember Woolstenhulme said he doesn't like the proposed development and has heard a lot of comments from residents opposing multi-family apartments. He has also heard that Hyrum is afraid of higher density projects and growth, that is not true at all. In the past year the City Council has approved a 266 single family lot subdivision on 80 acres; a 44 unit town home complex; 13 lot subdivision; 36 unit assisted living retirement center with duplexes, triplexes, and fiveplexes; and a 95 single family lot subdivision that are not standard lot sizes. If the City Council approve this large of an apartment complex it may regret the precedent that will be set. Apartments are fine in smaller clumps but does not think this large of a development is good for Hyrum or its future.

Councilmember James said 180 apartments is a lot and if there was away to approve 30 or 50 units at a time he would be more amicable towards the project. But the city turned down 138 units so he increased it to 150 which was denied, and now the plan includes



182 plus another 14 retirement units. This is a great location for apartments it borders the industrial park. He likes the design of this plan over the last one Troy submitted. Any property can turn into a slum there are weedy junky single family lots and houses on the majority of streets. The apartments will have a full time manager and maintenance employee to ensure it looks nice.

Councilmember Clawson said he owns the property to the west of this proposed development and he has had his concerns. He was against apartments with that type of density until he spoke with a Councilmember from Smithfield. Smithfield City has apartment complexes all over and it has less problems with the larger complexes. To an extent apartments are needed in Hyrum and people need a place to live.

Councilmember Bingham said when she filed for City Council she wanted to represent the citizens of this community. She has looked at the proposed plan and the developer has tried to address the concerns of the City Council and citizens. She understands where everyone is coming from but the City Council has a responsibility to figure out what is best for the future of Hyrum. People have private property rights and government shouldn't deny someone their rights to develop property if it meets the conditions of the law.

**ACTION**

Councilmember Rasmussen made a motion to conditionally approve the amended concept plan for Elk Mountain Planned Unit Development: 1. With the reduction of apartments from 182 to 150 units to more closely resemble appropriate density for this area; 2. Number of parking spaces and open space meets City ordinance; 3. Planning Commission recommendation of roads designed in coordination with Neighborhood Nonprofit Housing development and that an agreement be put together to address getting the road built to the south; 4. Planning Commission recommendation for developer to provide a fence on the west end of the property as maybe needed; and 5. The developer initiate and follow the Good Land Lord Program for rentals and cannot be changed without a two-thirds majority vote by the Home Owners Association Board. Councilmember Clawson seconded the motion.

Councilmember Rasmussen amended his motion to include: 6. The space of the reduced 30 apartments be left as open space. Councilmember Clawson accepted the

**amendment to Councilmember Rasmussen's motion.**

AMENDED  
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**Councilmember Clawson recommended amending Councilmember Rasmussen's motion to state 6. The space of the reduced 30 apartments be left as open space and for ~~at least 10~~ storage lockers for the renters in the apartments be built. Councilmember Rasmussen accepted Councilmember Clawson's motion to amendment his motion.**

**Councilmember Woolstenhulme recommended amending Councilmember Rasmussen's motion to state 7. A maximum of 30 apartments be built initially in the first phase. Councilmember Rasmussen didn't accept Councilmember Woolstenhulme's amendment to his motion.**

Councilmember Woolstenhulme said at the Planning Commission meeting on May 12 the Planning Commission said it does not vote or make decisions based upon popularity that it is up to the City Council to vote by popularity, demand, design, need, etc. on a Planned Unit Development. A Planned Unit Development does not have to be approved. The City Council has a responsibility to the population that elected us. The neighbors have asked the City Council to deny this proposal for apartments. There are legal responsibilities to follow City ordinances but he has an ethical responsibility to the citizens who voted him.

Councilmember Rasmussen said people need to understand that if they don't want property developed then they need to purchase it. The City Council has to follow its ordinances. The General Plan was approved a year ago and the zoning in that area has been that for a long time.

**Mayor Pro-Tempore James called for a vote on the motion. Councilmember Bingham, Clawson, James, and Rasmussen voted aye; and Councilmember Woolstenhulme voted nay. The motion passed.**

**STEWART LAMB, KILGORE COMPANY - TO REQUEST SITE PLAN APPROVAL FOR A CONCRETE READY MIX BATCH PLANT AT 380 NORTH 1000 EAST.**

Stewart Lamb with Kilgore Company said Kilgore is presently in the process of annexing the property the concrete ready mix batch plant will be built on. The concrete ready mix batch plant will be moved from its current location in Logan to the 380 North 1000 East site.

City Administrator Ron Salvesen said the Planning Commission held a meeting on May 12, 2016 and is recommending approval of the site plan for a concrete ready mix batch plant at 380 North 1000 East with the condition that the property is annexed into Hyrum and Zoned Manufacturing M-2.

Councilmember Rasmussen recommended by the truck power transformer that Kilgore install really big boulders to protect it.

City Administrator Ron Salvesen said Hyrum City's Electric Department is looking into buying the current lines from Rocky Mountain Power and any other electrical costs associated with this site.

Councilmember James said the main entrance will be on Highway 165 and there is a lot of traffic there in the morning and afternoon when students are driving to and from school.

Stewart Lamb said there shouldn't be a lot of additional traffic from Kilgore since the trucks are hauling gravel to the batch plant in Logan. This will eliminate the gravel trucks but add cement trucks.

**ACTION**

Councilmember Rasmussen made a motion to approve the site plan for a concrete ready mix batch plant at 380 North 1000 East with the following conditions: 1. Fire hydrants and transformers are protected with rocks and boulders; 2. Evaluate meter condition and verify the 4" service line is metered and that the 2" water service line going to asphalt plant be connected onto 4" service line and existing 4" line be abandoned from the existing hydrant; and 3. This motion is conditional upon annexation of the property. Councilmember Woolstenhulme seconded the motion. Councilmember Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye.

**STEWART LAMB, KILGORE COMPANY - TO DISCUSS THE CONDITIONS AND REQUIREMENTS TO BE INCLUDED IN THE ANNEXATION AGREEMENT FOR KILGORE COMPANY.**

Stewart Lamb said Kilgore has written two annexation agreements as per the City Council's instruction at its last meeting.

City Recorder Stephanie Fricke said the annexation agreement needs to have a section regarding protection of Nibley's Water Source Protection Zone. This statement was including in the last LaGrand

Johnson Annexation and can be used in the agreement also. First Annexation Agreement section six add that it is only Hyrum City's portion of taxes that will be refunded at 50% for 10 years.

Councilmember Rasmussen said the first annexation agreement section four: 1. After "concrete, mining, and asphalt production" add "in compliance with City Ordinances."; 2. change "or other improvements to the Property" to "for the current project taking place"; 3. At the end add "Future development will be subject to applicable fees.

Stewart Lamb asked if Hyrum City is going to charge impact and connection fees for the utilities.

City Administrator Ron Salvesen said impact and connect fees are for this project only. There will be no connection fees on water since Hyrum City is bringing the water to the site. Is the City responsible for the

Councilmember Rasmussen said if the City is not charging to connect water line then Kilgore needs to pay for the metering equipment. He would agree to waive the sewer connection fee. He is not comfortable approving the City to install electrical infrastructure until he has an actual cost of what Rocky Mountain Power will charge to purchase its power line. The cost of purchasing the lines maybe more money that what the City may gain in electrical sales.

Councilmember Rasmussen recommending amending the first annexation agreement section five by replacing "Hyrum shall also provide any metering equipment necessary at its sole cost and expense." with "Hyrum will provide material and labor to install extension to the eastern fire hydrant and for the fire hydrant. For the service line south Hyrum City will provide personnel to install pipe but all excavation backfill and material costs will be Kilgore's responsibility."

Stewart Lamb said Kilgore is in the process of submitting a second annexation petition for the remainder of Kilgore's property as requested by the City.

City Recorder Stephanie Fricke the second annexation agreement needs to have a statement in it that water at 3 acre feet per acre of ground will be required to be submitted to the City upon any type of development on the ground. The Nibley City Water Source Protection statement needs to be added in this agreement also.

Stewart Lamb said he will make changes to the Annexation Agreement and have it ready for the next City Council Meeting.

**ACTION** Councilmember Rasmussen made a motion to conditionally approve the annexation agreement with the proposed recommendations to the agreement that was discussed tonight. Councilmember Woolstenhulme seconded the motion. Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye.

***OTHER BUSINESS:***

**TENTATIVE ADOPTION OF THE 2016-2017 OPERATING BUDGETS AND SETTING A DATE FOR A PUBLIC HEARING.**

**ACTION** Councilmember Rasmussen made a motion to adopt the tentative 2016-2017 Operating Budgets and to set the date for the public hearing for June 2, 2016. Councilmember Woolstenhulme seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye.

**CONSIDERATION AND APPROVAL OF A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN COMCAST AND HYRUM CITY.**

Kirk Nord with Comcast said this franchise agreement will allow the Comcast to collect a franchise fee that is paid to Hyrum City for video sales through Comcast. Comcast will pay Hyrum City 5% of all video sales in Hyrum City.

**ACTION** Councilmember Bingham made a motion to approve the Cable Television Franchise Agreement between Comcast and Hyrum City. Councilmember Clawson seconded the motion and councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye.

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Woolstenhulme said he is receiving parade entry applications.

Councilmember Rasmussen said a masonry test on the Elite Hall is being conducted. Hot Wheels and Hot Dogs is on June 4 and there will be a tractor parade, old cars, and hot dogs. There will be a lot of door prizes. Armored Combat League wants to use the Rodeo Grounds rather than Salt Hollow Park for its

Medieval Tournament on the 4<sup>th</sup> of July. He has found people to build the community booth at the Cache County Fair.

Councilmember James said he has been busy working on plans for the 4<sup>th</sup> of July. He will have posters ready in June to hang up around town.

Councilmember Bingham said the Hyrum City float is finished and the girls have dresses. The first parade is this Saturday.

Councilmember Clawson said the library is getting ready for its Summer Reading Program. The Book Sale and quilt raffle generated \$1,500 for the library.

**ADJOURNMENT:**

**ACTION**                    **There being no further business before the City Council, the Council Meeting adjourned at 9:40 p.m.**

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Stephanie Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Approved: June 02, 2016  
As Amended