

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 18, 2016
AT THE CIVIC CENTER, 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, and Craig L. Rasmussen were present.

EXCUSED: Mayor Stephanie Miller and Councilmember Aaron Woolstenhulme.

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

OTHERS PRESENT: City Administrator Ron Salvesen and four citizens were present. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Pro-Tempore James welcomed everyone in attendance.

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

INVOCATION: Councilmember Bingham

APPROVAL OF MINUTES:

The minutes of a regular meeting on January 21, 2016 were approved as written.

ACTION

Councilmember Clawson made a motion to approve the minutes of a regular City Council Meeting on January 21, 2016 as written. Councilmember Bingham seconded the motion and Councilmembers 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 February 21, 2016 as written. Councilmember Rasmussen seconded the motion and Councilmembers

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

AGENDA

8. PUBLIC COMMENT
9. SCHEDULED DELEGATIONS:
 - A. Teresa Jewkes, Log Furniture Site, Inc. - To request site plan approval at 1700 East Anvil Road for manufacturing of log furniture.
 - B. Jake Thompson, Green Meadow Villas - To request Final Plat approval for Green Meadow Villas a Planned Unit Development at approximately 291 West Main Street (44 condominiums on 3.80 acres).
10. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:
 - A. Resolution 16-09 - A resolution setting dog license fees, late fees, and impoundment fees.
 - B. Resolution 16-10 - A resolution setting culinary water rates.
 - C. Ordinance 16-01 - An ordinance repealing and reenacting Title 6 (Animals) of the Hyrum City Municipal Code.
11. OTHER BUSINESS:
 - A. Consideration and appointment to the Planning Commission.
 - B. Consideration and appointment to the Hyrum Library Board.
 - C. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC COMMENT:

Mayor Pro-Tempore James 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 Pro-Tempore James moved to the next agenda item.

SCHEDULED DELEGATIONS:

TERESA JEWKES, LOG FURNITURE SITE, INC. - TO REQUEST SITE PLAN APPROVAL AT 1700 EAST ANVIL ROAD FOR MANUFACTURING OF LOG FURNITURE.

City Administrator Ron Salvesen said the Planning Commission has reviewed the site plan for the Log Furniture Site, Inc. is recommending approval with the conditions: 1. It meets fire and building official requirements; 2. Keep weeds down around the building; 3. Pay past due licensing fees; and 4. If it expands

into retail sales it needs to apply for a conditional use permit from the City.

Teresa Jewkes said her business is mainly answering phones to people placing orders. Most of her sales comes from wholesale distributors and the items are dropped shipped to the customer. There will be some manufacturing of log furniture but not a lot. She uses a water based polyurethane which does not require a paint room or special equipment. She currently has two part-time employees and does not see her business expanding past six employees.

ACTION

Councilmember Rasmussen made a motion to approve the site plan for Log Furniture Site, Inc. at 1700 East Anvil Road with the following conditions: 1. It meets fire and building official requirements; 2. Keep weeds down around the building; 3. Pay past due licensing fees; and 4. If it expands into retail sales it needs to apply for a conditional use permit from the City. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

JAKE THOMPSON, GREEN MEADOW VILLAS - TO REQUEST FINAL PLAT APPROVAL FOR GREEN MEADOW VILLAS A PLANNED UNIT DEVELOPMENT AT APPROXIMATELY 291 WEST MAIN STREET (44 CONDOMINIUMS ON 3.80 ACRES).

Jake Thompson with Green Meadow Villas said the conditions the City Council set for Preliminary Plat approval have been met and he is requesting final plat approval for Green Meadow Villas a Planned Unit Development at 291 West Main Street for 44 condominiums. He is still in the process of obtaining a wetland permit and USACOE permitting. The current building that is on the property is being used as a temporary apartment and will be torn down within two to three months as required by the City Council as part of the preliminary plat approval.

City Administrator Ron Salvesen said Hyrum City Engineer Craig Neeley has reviewed the final plat and does not have issues that need to be addressed. He is recommending approval of the final plat upon the condition that recording the final plat will be withheld pending issuance of the required USACOE Nationwide 14 permit.

Councilmember Rasmussen said he does not have a full copy of the final plat and has some concerns and questions with the project. The final plat talks about a public easement and pedestrian easement with a five foot sidewalk along the parking lot. He

has not seen on the plat where a public parking lot is. He asked how the developer or HOA will enforce only 20% rentals of the condominiums. How will the HOA even know if someone is renting a unit and what is the penalty and how will it get the owner to stop renting. Also who chooses the nine units that can be rentals?

Jake Thompson it will be the responsibility of the HOA to approve the units to be rented. The rental approvals will be granted on a first come basis. Once 9 units are approved as rentals it will be the HOA's responsibility to enforce the penalties.

Rod Thompson said the marketing of these condominiums are not geared towards rental. The HOA CC&R's will be very clear that only nine rental units will be allowed.

Councilmember Rasmussen said he understands that but once Jake and Rod are no longer the developers it will be the responsibility of the HOA to monitor and enforce. He wants a statement on the plat and CC&R's that the number of rental units cannot be changed without Hyrum City's approval.

Councilmember James said the wording on the plat needs to be amended to "Maximum of 9 rental units" from "Maximum Rentals 9."

Councilmember Rasmussen said he is still concerned on what language is in the CC&R's that will give the HOA and the City enforcement rights and enforcement of penalties if there is more than 9 rental units.

Councilmember Rasmussen said a second entrance/exit onto 300 West needs to be built which will require the developer to extend 300 West north of 70 North. If there was a fire there is no other access in or out of the development. It is a serious safety issue.

Councilmember Bingham said she has spoken with Jake and Rod Thompson with her concern over there being only one access into the development. She appreciates and is impressed with the way Jake and Rod have worked and met with the neighboring residents. She is not thrilled with 44 units. But feels if there is a second access would be necessary if it goes forward. she would be more in favor of it.

AMENDED
03-17-16

Jake Thompson said a second access could delay his project since he would have to file a new application for the USACOE permit.

ACTION

Councilmember Rasmussen made a motion to approve the Final Plat for Green Meadow Villas a Planned Unit Development at approximately 291 West Main Street (44 Condominiums on 3.80 acres) with the following conditions: 1. The 300 West road be built to extend past 70 North giving 70 North an access onto 300 West; 2. The 300 West road be widened from 20 feet of pavement to 24 feet of pavement including all three accesses from Highway 101 to 70 North; 3. A USACOE Nationwide 14 permit be obtained by Jake Thompson and given to the City before recording of the final plat will take place; 4. A notation on the final plat be included stating the Home Owner's Association cannot change the number of rental units from 9 or the procedures for rentals without approval from the City; 5. The final Plat in Narrative Notes change item 10. from "Maximum rentals: 9" to "Maximum of 9 Rental Units"; and 6. The HOA Bylaws and CC&R's be revised to include strict enforcement and penalties for those units rented without approval by HOA, and also the language that explains how the HOA will enforce the CC&R's to ensure only 9 rental units. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:**RESOLUTION 16-09 - A RESOLUTION SETTING DOG LICENSE FEES, LATE FEES, AND IMPOUNDMENT FEES.**

City Administrator Ron Salvesen said with the proposed change in Ordinance 16-01 it is necessary to amend the fee schedule to reflect the revised section numbers.

ACTION

Councilmember Clawson made a motion to approve Resolution 16-09 setting dog license fees, late fees, and impoundment fees. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

RESOLUTION 16-10 - A RESOLUTION SETTING CULINARY WATER RATES.

City Administrator Ron Salvesen said the City Council discussed increasing commercial and industrial water rates over the past few months. The resolution will increase the rates for all water used in excess of 10,000 gallons from .456 to .68 per 1,000 gallons from 11,000 gallons through 50,000 gallons per month;

and from .60 to .80 per 1,000 gallons for all water used over 50,000 gallons per month.

ACTION Councilmember Clawson made a motion to approve Resolution 16-09 setting dog license fees, late fees, and impoundment fees. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

ORDINANCE 16-01 - AN ORDINANCE REPEALING AND REENACTING TITLE 6 (ANIMALS) OF THE HYRUM CITY MUNICIPAL CODE.

City Administrator Ron Salvesen said Hyrum City's animal control officers and Justice Court are proposing the rewrite of Title 6 of the Hyrum City Municipal Code. The proposed amendments reflect current laws and practices of the City.

Councilmember Rasmussen said he has reviewed the ordinance and the proposed ordinance is better than the one the City has but he has a couple of concerns that may need to be addressed. He asked if the City wants to restrict the number of dogs to two per household when there are many residents that have more than two dogs per household. The proposed ordinance does not restrict pot belly pigs and he asked if it needed to specifically restrict pot bell pigs from being inside City limits. He is concerned about requiring a dog to be licensed and provide proof of spay or neutering before the animal is six months old. A veterinarian will not spay or neuter a dog before it is at least six months of age.

A short discussion ensued with the City Council regarding Councilmember Rasmussen's comments. The City Council wanted additional time to review the ordinance. The City Council was asked to provide City Recorder Stephanie Fricke with any proposed changes to the ordinance by next Thursday.

ACTION Councilmember Bingham made a motion to table Ordinance 16-01 repealing and reenacting Title 6 (Animals) of the Hyrum City Municipal Code. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:

CONSIDERATION AND APPOINTMENT TO THE PLANNING COMMISSION.

City Administrator Ron Salvesen said Kevin Anderson has been

-serving as an alternate member of the Planning Commission and Jeff Nielsen has been serving as a full time member of the Planning Commission. Jeff Nielsen suggested appointing Kevin Anderson as a full time member and allowing Jeff to serve as the alternate on the Planning Commission.

ACTION **Councilmember Clawson made a motion to appoint Kevin Anderson as a full time member and Jeff Nielsen as a part time member to the Hyrum City Planning Commission. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

CONSIDERATION AND APPOINTMENT TO THE HYRUM LIBRARY BOARD.

Councilmember Clawson recommended the appointment of Marci Bingham to the Hyrum Library Board. Marci has been volunteering at the library for several years and has agreed to accept the position if appointed.

ACTION **Councilmember Clawson made a motion to appoint Marci Bingham to the Hyrum Library Board. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Rasmussen said the Hyrum Museum Board elected Steve Downs as the Chairman and John Petersen as the Vice Chairman. The Elite Hall Committee is still moving ahead with forming a foundation. A design to add a small handicap access to the Elite Hall is being drawn up so that the building meets ADA requirements.

Councilmember James said he has been busy trying to find a speaker for the 4th of July Patriotic Program. If anyone has any suggestions for the Grand Marshall, Outstanding Citizen, or Hyrum Hero Awards please let him know. Softball registration will take place in a couple of weeks. This year a background check will be conducted on all coaches.

Councilmember Bingham said the Hyrum Princess Pageant is scheduled for next week. She has only had 3 girls sign up as of this afternoon. Next year she is going to allow Junior and Senior High School Girls to participate.

Councilmember Clawson said he has the plastic eggs, candy and toys for the Easter Egg Hunt on March 26.

ADJOURNMENT:

ACTION **There being no further business before the City Council, the Council Meeting adjourned at 8:30 p.m.**

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: March 17, 2016
 As Amended