

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD NOVEMBER 5, 2009 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 p.m.

**CONDUCTING:** Mayor W. Dean Howard

**ROLL CALL:** Councilmembers Paul C. James, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen.

**EXCUSED:** Councilmember Martin L. Felix

**CALL TO ORDER:** There being four members present and four members representing a quorum, Mayor Howard called the meeting to order.

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, and fourteen citizens. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Howard welcomed everyone in attendance.

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

**INVOCATION:** City Administrator D. Brent Jensen

**APPROVAL OF MINUTES:**

The minutes of October 15, 2009 were approved as written.

**ACTION** Councilmember LaBau made a motion to approve the minutes of October 15, 2009 as written. Councilmember James seconded the motion and all four councilmembers present voted aye.

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was faxed to The Herald Journal, posted on the State of Utah Public Notice website, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

**ACTION** Councilmember Miller made a motion to approve the agenda as written. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:

- A. Maria Perez, Zion Ministries - To request site plan approval to hold church services at 45 South 800 East.

- B. Jeff Jackson, Miller Brothers Planned Unit Development - To request concept plan approval for Miller Brothers Planned Unit Development consisting of 3 lots located at approximately 550 South 200 East.
  - C. J.D. Rhea, West Point Dairy Products, LLC. - To request site plan approval for relocation and expansion of storage silos at West Point Dairy located at approximately 570 North 500 West.
  - D. Reed Elder, Silver Willow Planned Unit Development - To request approval of a preliminary plat for the Silver Willow Planned Unit Development consisting of 22 retirement units and 3 single family lots at approximately 675 West 90 North.
  - E. City Engineer Craig Neeley, Jared Clawson - To discuss proposed irrigation project.
9. OTHER BUSINESS:
- A. Mayor and City Council reports.
10. ADJOURNMENT

***SCHEDULED DELEGATIONS:***

**MARIA PEREZ, ZION MINISTRIES - TO REQUEST SITE PLAN APPROVAL TO HOLD CHURCH SERVICES AT 45 SOUTH 800 EAST.**

Mayor Howard said Maria Perez with Zion Ministries is requesting site plan approval to use part of the former Movie Gallery building located at 45 South 800 East for a church.

Fire officials have approved the site for occupancy of 150 people. There are 20 parking spaces on the west side of the building and 6 more on the north side of the building. Church services should usually be held after the adjacent business Edward Jones is closed. Family Dollar has indicated that the Church may use its parking spaces during the times Family Dollar is closed.

Zoning Administrator Ron Salvesen said on October 29, 2009 the Planning Commission recommended site plan approval for Zion Ministries at 45 South 800 East with the following conditions: 1) Recommendations by the Fire Marshall of a maximum of 150 people be strictly followed; 2) Parking not exceed the available spaces and if it does another site has to be found; 3) Signage be approved by Zoning Administrator Ron Salvesen; 4) Snow removal be taken care of properly; and 5) Construction debris in the dumpster area be taken care of.

**ACTION**

**Councilmember LaBau made a motion to approve the site plan for Zion Ministries located at 45 South 800 East with the following conditions: 1) Recommendations by the Fire Marshall of a maximum of 150 people be strictly followed; 2) Parking not exceed the available spaces and if it does another site has to be found; 3)**

Signage be approved by Zoning Administrator Ron Salvesen; 4) Snow removal be taken care of properly; and 5) Construction debris in the dumpster area be taken care of. Councilmember James seconded the motion and all four councilmembers present voted aye.

**JEFF JACKSON, MILLER BROTHERS PLANNED UNIT DEVELOPMENT - TO REQUEST CONCEPT PLAN APPROVAL FOR MILLER BROTHERS PLANNED UNIT DEVELOPMENT CONSISTING OF 3 LOTS LOCATED AT APPROXIMATELY 550 SOUTH 200 EAST.**

Jeff Jackson with Mount Sterling Construction said Mark, Kris, and James Miller asked him to represent them at tonight's meeting. Mark, Kris, and James want to subdivide their land at approximately 550 South 200 East into three lots. The property does not meet the requirements for a mini-subdivision, so they are requesting a three lot Planned Unit Development (PUD).

There is one existing house on lot two of the Planned Unit Development. It may be quite some time before the other lots are built upon. The sloped area to the south is not included in the PUD, but is intended to be held as common open space by the three brothers. The water shares for this property have already been transferred to the City.

The main road in the PUD is a private road with a 25 foot right of way and 20 feet of asphalt. A public easement will need to be shown on the private road and be maintained by the PUD. The fire hydrant that is shown on the concept plan, already meets the fire official's requirements. The Miller brothers will need to extend the water and sewer lines to 550 South and all of the utilities have to be built to City standards.

Zoning Administrator Ron Salvesen said on October 29, 2009 the Planning Commission recommended approval of the concept plan for the Miller Brothers Planned Unit Development located at approximately 550 South 200 East with the following conditions: 1) The public utility easement located adjacent to the road be shown on the plan; 2) The road be set back 5 feet from the fence for snow removal; 3) A complete set of CC&R's be submitted with the final plat; 4) Construction drawings be approved by the City Engineer before any further homes are constructed; 5) A maintenance agreement for the road be included in the CC&R's; and 6) An amendment to the plat be required for future development of the remainder parcel not included in the Planned Unit Development.

**ACTION** Councilmember James made a motion to approve the concept plan for the Miller Brothers Planned Unit Development located at approximately 550 South 200 East with the following conditions: 1) The public utility

easement located adjacent to the road be shown on the plan; 2) The road be set back 5 feet from the fence for snow removal; 3) A complete set of CC&R's be submitted with the final plat; 4) Construction drawings be approved by the City Engineer before any further homes are constructed; 5) A maintenance agreement for the road be included in the CC&R's; and 6) An amendment to the plat be required for future development of the remainder parcel not included in the Planned Unit Development. Councilmember LaBau seconded the motion

Councilmember Rasmussen asked about snow removal on the road in the Planned Unit Development.

Jeff Jackson said the snow will be pushed to the north side of the asphalt where there is a five foot easement.

**Mayor Howard called for a vote on the motion and all four councilmembers present voted aye.**

**J.D. RHEA, WEST POINT DAIRY PRODUCTS, LLC. - TO REQUEST SITE PLAN APPROVAL FOR RELOCATION AND EXPANSION OF STORAGE SILOS AT WEST POINT DAIRY LOCATED AT APPROXIMATELY 570 NORTH 500 WEST.**

J.D. Rhea with West Point Dairy requested site plan approval for the relocation and expansion of storage silos. The silos will be moved northwest of where they are presently located. The new site for the silos will consist of two pads and a connecting alcove on the north side of the existing facility, located between the current silo pad and the cream receiving bays. The pads and alcove would be near present grade and approximately 42' east/west by 74' north/south. The new pads will allow for relocation of all seven cream and raw buttermilk silos currently located on the north side of the plant. It will also provide room for future expansion of up to 11 silos. The relocation of the silos will allow the production floor to be expanded when necessary. This addition and relocation will not change any traffic patterns.

Councilmember Rasmussen asked if the fire riser would be relocated.

J.D. Rhea said West Point Dairy will move the fire riser to the location approved by the fire official and building inspector.

Zoning Administrator Ron Salvesen said on October 29, 2009 the Planning Commission recommended approval of West Point Dairy's site plan for the relocation and expansion of storage silos at 570 North 500 West with the following conditions: 1) An additional light placed near the site and follow City Code; and 2) The fire hydrant be moved to the correct spot.

**ACTION** Councilmember Miller made a motion to approve West Point Dairy's site plan for the relocation and expansion of storage silos at 570 North 500 West with the following conditions: 1) An additional light placed near the site and follow City Code; and 2) The fire hydrant be moved to the correct spot. Councilmember LaBau seconded the motion.

Councilmember Rasmussen asked if the City should require additional landscaping since the silo space is being reconfigured. The north and east areas around the silos could have some type of landscape rather than just gravel.

Councilmember James asked if the landscaping around West Point Dairy's Wastewater Treatment Plant had been completed as required by the City.

J.D. Rhea said the landscaping around the treatment plant is complete and more trees were planted than required.

**Mayor Howard called for a vote on the motion and Councilmembers Felix, James, LaBau, and Miller voted aye and Councilmember Rasmussen voted nay. The motion passed.**

**REED ELDER, SILVER WILLOW PLANNED UNIT DEVELOPMENT - TO REQUEST APPROVAL OF A PRELIMINARY PLAT FOR THE SILVER WILLOW PLANNED UNIT DEVELOPMENT CONSISTING OF 22 RETIREMENT UNITS AND 3 SINGLE FAMILY LOTS AT APPROXIMATELY 675 WEST 90 NORTH.**

Reed Elder requested approval of the preliminary plat for Silver Willow Planned Unit Development consisting of 22 retirement units and 3 single family lots at approximately 675 West 90 North. In order to comply with the Fair Housing Act three things are required in order for it to be considered a retirement community: 1) Each year the Home Owners Association (HOA) must confirm that at least 80 percent of its residents are 55 years or older and that at least one person that is 55 years or older resides in each house/unit; 2) There must be a sign that has the words "55 years and older" posted at the front of the project; and 3) All of the advertisements, notices, real estate transactions, etc. include information that this development is a retirement area for 55 years or older. Silver Willow Planned Unit Development's HOA will have its own liability insurance and be responsible for snow removal, road repairs, lawns, and sidewalk maintenance. The three single-family lots are not part of the HOA and will be treated as regular city lots.

Zoning Administrator Ron Salvesen said on October 29, 2009 the Planning Commission recommended approval of the preliminary plat

for Silver Willow Planned Unit Development consisting of 22 retirement units and 3 single family dwellings at approximately 675 West and 175 North with the following conditions: 1) The development be listed as a retirement community on the final plat; 2) The entrance sign state that the area is a retirement community for ages 55 and older, the sign meets City Code and that it is placed closer to 675 West; 3) The four (4) corner lights for the park be installed as soon as possible and they need to meet City Code; 4) The landscaping plan be submitted on the preliminary plat; 5) The Declaration of Covenants, Conditions and Restrictions for the HOA reflect the accurate monthly fees and the development fee of one-half percent; 6) Quit claim deeds be secured for lots 11 and 12; 7) The CCR's be revised to reflect Hyrum and other changes as noted; 8) Highlighting that requires landscaping, front and back; 9) The fences be finished as soon as feasible or no later than the development being halfway completed; 10) The park be completed as soon as feasible or no later than the development being halfway completed; 11) The preliminary plat address the issue of the street number/name; 12) If ground water issues are found, that a study be conducted; 13) A plan be presented for the pressurized irrigation; 14) The HOA Bylaws include a position for a city official to be on its board, if the City Attorney thinks it is necessary; 15) The term condominium be changed to expandable Home Owner Association; 16) Lots 23, 24, and 25 meet city codes for landscaping and street trees be provided by the developer; 17) The developer can build a on lots 24 and 25 after the PUD is approved, but lot 23 can not be built upon until improvements are completed on 675 West; and 18) All of the details specified on the finding of facts sheet be included.

The following is the Findings of Fact provided by Zoning Administrator Ron Salvesen:

1. Zoning is R-2, which allows a PUD.
2. Utilities - The City staff recommends all utilities be built to city standards with the city taking over maintenance and operation of such.
3. Irrigation - If an irrigation system is wanted, the developer will need to install a private system; otherwise they will need to use culinary water for outside use. Also the ditch may need to be piped on the east end of the project.
4. Curb, gutter, and sidewalks will be installed on all streets with sidewalks running in front of all houses - a sidewalk will also run through the park.
5. Roads are proposed at a width of 34 feet.
6. Parking - 10 extra stalls will be added to the park area - each home will have a double car-garage and matching driveway.
7. Storm water - to be determined during the preliminary plat phase. The developer will probably be able to use the open space lot for a storm water pond.

8. Landscaping will be as indicated on the detail sheet. Two trees minimum per lot, dogwood shrubs, and lawns planted (including park area). The trees probably should be required to be at least 1 ½" caliper in size. A suggestion might be made for a bench or two in the park area.
9. Buildings - The house exteriors will be stone, brick and stucco- see elevations.
10. HOA will be similar to the ones used in the Hyde Park Senior Housing.

Reed Elder said after Planning Commission meeting he had the preliminary plat revised to include the Planning Commission's recommendations. The City Council was given a copy of the revised preliminary plat.

Councilmember Rasmussen asked if the HOA owns the property the sidewalk and planter strip is located on or if the property is included in the legal description of the building lot. He is concerned about someone installing a fence next to the curb.

Reed Elder said currently the plat shows the sidewalk area as part of the building lot. If the City Council wants the lot lines to be moved behind the sidewalk then he will have it done. The CCR's restrict property owners from installing any type of fence along the entrance (90 North) of the PUD.

Councilmember Rasmussen asked Reed Elder if the plat was correct in showing the property line on 675 West stopping one foot behind the sidewalks as it goes into the subdivision.

Reed Elder said he will have his engineer look at it and if it needed to be fixed it will be included in the final plat.

Councilmember Rasmussen said the plat shows the sidewalk being square rather than a radius with an ADA ramp at the intersection of 675 West and 90 North. It has to have a radius and a ramp in order for it to be ADA accessible.

Reed Elder said he will have his engineer change the square sidewalk to a radius with an ADA ramp at the intersection of 675 West 90 North.

**ACTION**

Councilmember LaBau made a motion to approve the preliminary plat for Silver Willow Planned Unit Development consisting of 22 retirement units and 3 single family dwellings at approximately 675 West and 175 North with the following conditions: 1) The development be listed as a retirement community on the final plat; 2) The entrance sign state that the area is a retirement community for ages 55 and older, the sign meets City Code and that it is placed closer to 675 West; 3) The four (4) corner lights for the park be

installed as soon as possible and they need to meet City Code; 4) The landscaping plan be submitted on the preliminary plat; 5) The Declaration of Covenants, Conditions and Restrictions for the HOA reflect the accurate monthly fees and the development fee of one-half percent; 6) Quick claim deeds be secured for lots 11 and 12; 7) The CCR's be revised to reflect Hyrum and other changes as noted; 8) Highlighting that requires landscaping, front and back; 9) The fences be finished as soon as feasible or no later than the development being halfway completed; 10) The park be completed as soon as feasible or no later than the development being halfway completed; 11) The preliminary plat address the issue of the street number/name; 12) If ground water issues are found, that a study be conducted; 13) A plan be presented for the pressurized irrigation; 14) The HOA Bylaws include a position for a city official to be on its board if the City Attorney thinks it is necessary; 15) The term condominium be changed to "expandable Home Owner Association"; 16) Lots 23, 24, and 25 meet city codes for landscaping and street trees be provided by the developer; 17) The developer can build a on lots 24 and 25 after the PUD is approved, but lot 23 cannot be built upon until improvements are completed on 675 West; and 18) All of the details specified on the finding of facts sheet be included. Councilmember Miller seconded the motion and all four councilmembers present voted aye.

**CITY ENGINEER CRAIG NEELEY, JARED CLAWSON - TO DISCUSS PROPOSED IRRIGATION PROJECT.**

City Engineer Craig Neeley said Hyrum City asked him to research the electrical costs for pumping irrigation water to property owned or farmed by the Clawson family located at approximately 6200 South east of 800 East. The area consists of approximately 114 acres. The average-day-demand based on an irrigation requirement of 3.0 acre-feet per year is 500 gallons-per-minute. A peaking factor of three was used to determine the peak-day demand of 1,500 gallons per minute (gpm). The existing irrigation pump stations are capable of producing up to 13,500 gpm. On July 4, 2009 the peak day demand was 7,630 gpm. The pressure at the pump station is currently maintained at 53 psi and it is assumed the pumps will be able to maintain this pressure with the addition of the new flow under both average and peak-day demand. Elevation head at the center of the property along 6200 South is approximately 16 feet resulting in an estimated pressure of approximately 46 psi at this point. Assuming the pump operate at 80% total efficiency, the horsepower required to pump irrigation water to the subject property would

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be 19.4 horsepower on a peak day. Operating over an eight-hour period it would require 205.5 kW hours. An irrigation season of 153 days would require a total of 31,442 kW hours to pump water to the referenced property. Hyrum City's current electric rate for agriculture use is \$0.066 per kilowatt hour with an additional \$0.005 surcharge. Therefore, the daily electrical cost becomes \$14.59 or \$2,232.38 for the entire irrigation season. However, this fee does not account for any operation and maintenance costs which should be from 15% to 20%. Currently, the City charges \$94.29 per month for irrigation parcels of 20 acres or more. Dividing the property into 20 acre units yield 5.7 units. Applying the standard charge per parcel, the fee to supply irrigation water is \$2,687.27 for the irrigation season. Using this method to charge for irrigation supply to the proposed property will cover the costs of pumping and 20% for operation and maintenance of the system.

Councilmember Rasmussen said the City needs to have a letter of approval from the various irrigation companies before the City enters into an agreement with the Clawson family.

Mayor Howard said he agrees in concept of the Clawson family's request, but everyone including the irrigation companies will have to agree, and it will have to benefit the City before he will approve of it. The major benefit to the City is the additional water it will gain from the Clawson property since it will be irrigated with a sprinkler system and not flood irrigated.

**OTHER BUSINESS:**

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Miller said the Youth Council advisors will be conducting interviews after October 31, 2009. The Youth Council is going to give blankets to the elderly for Christmas this year. Hyrum City's Sesquicentennial Committee is holding regular meetings and is working on finalizing activities for Hyrum's Sesquicentennial Celebration.

Mayor Howard said the City has hired a contractor to build an interpretive sign at the Hydroelectric Plant. The sign is a requirement from FERC for the relicensing of the plant. He then reviewed the projects and activities going on with UAMPS.

**ADJOURNMENT:**

**ACTION**            **There being no further business before the City Council, the Council Meeting adjourned at 7:45 p.m.**

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W. Dean Howard

Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: November 19, 2009  
As Amended