

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 18, 2007
AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor W. Dean Howard

ROLL CALL: Councilmembers Martin L. Felix, Paul C. James, Stephanie Miller, Craig L. Rasmussen, and Douglas L. Stipes present.

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

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

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

PLEDGE OF ALLEGIANCE: City Administrator D. Brent Jensen led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Mayor Howard

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

Mayor Howard recommended deleting agenda items 6.A. Approval of the September 27, 2007 City Council Minutes; 6.B. Approval of the October 4, 2007 City Council Minutes; 6.C. Approval of the October 10, 2007 City Council Minutes; and 8.B. Zach Clyde, Rolling Hills Subdivision - To request preliminary plan approval for Rolling Hills Subdivision Phase II (89 lots) located at approximately 300 South 400 East.

ACTION **Councilmember Stipes made a motion to approve the agenda with the above amendments. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.**

AGENDA

8. SCHEDULED DELEGATIONS:

- A. Kelton Wilcox - To request permission to postpone paving the parking lot at 300 North Center Street.
- B. ~~Zach Clyde, Rolling Hills Subdivision - To request preliminary plan approval for Rolling Hills Subdivision Phase II (89 lots) located at approximately 300 South~~

- ~~400 East.~~
- C. Aaron Wiser, Blacksmith Village - To request preliminary plan approval for Blacksmith Village Subdivision located at approximately 800 East between 500 and 700 South.
 - D. DeVerl Bywater, Bywater Cabinets - To request site plan approval for Bywater Cabinets to expand an existing building at 340 North 400 West.
9. INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCE:
- A. Resolution 07-21 - A resolution amending the Subdivision Building Permits Policy Statement governing the issuance of building permits within approved and platted subdivisions. *First Reading*
 - B. Ordinance 07-13 - An ordinance increasing the Transit Sales Tax within Hyrum City from one-quarter of one percent (.25%) to three-tenths of one percent (.30%). *First Reading*
10. OTHER BUSINESS:
- A. Acceptance of Wasatch View Phase IV Subdivision.
 - B. Appointment to the Hyrum City Museum Board.
 - C. Engineering Services.
 - D. Civic Center mechanical control system.
 - E. Emergency generator repairs.
 - F. Mayor and City Council reports.
11. WORKSHOP:
- A. Review of fiscal impact study on Little Bear Parkway Annexation.
12. ADJOURNMENT

SCHEDULED DELEGATIONS:

KELTON WILCOX - TO REQUEST PERMISSION TO POSTPONE PAVING THE PARKING LOT AT 300 NORTH CENTER STREET.

Kelton Wilcox said he is building a cabinet shop at 300 North Center Street. The City Council approved the site plan for the building on June 7, 2007 with the condition that all areas planned for asphalt be paved before an occupancy permit is issued. However, during the excavation he discovered the water table was higher than expected. If the parking lot is paved now it will crumble within a couple of years. He is going to have the soil excavated down to the gravel layer for the foundation of the building, and then drain the rest of the property allowing it to dry out on its own. He asked the City Council to give him permission to postpone paving the parking lot area until after the soil has dried. He is willing to give the City a bond for the cost of the asphalt to ensure he installs it once the ground is dry.

Mayor Howard asked Kelton if he expects the City to issue an occupancy permit before the asphalt is installed.

Kelton Wilcox said the building should be finished this winter, but the ground will not be dry enough for asphalt until late summer. In order to move into the building he needs an occupancy permit and can not afford to have the building vacant until late summer.

Zoning Administrator Ron Salvesen said upon completion of the building and Kelton providing the City a bond in the amount of 120% of the estimated cost of improvements for the asphalt, the City could issue Kelton an occupancy permit. If the asphalt is the only item not finished and the City has a bond, there is no reason to not issue an occupancy permit.

Councilmember Stipes said he does not want Kelton to have to replace the asphalt, however, there needs to be a required completion date.

ACTION

Councilmember James made a motion to approve Kelton Wilcox's request to delay paving the parking lot at 300 North Center with the following conditions: 1) A bond be posted with the City for 120% of the cost of the improvements for the asphalt; and 2) The parking lot be paved by August 1, 2008. Councilmember Rasmussen seconded the motion.

Councilmember Stipes recommended amending Councilmember James motion to include that the City will issue an occupancy permit without the parking lot being paved. Councilmember James and Rasmussen accepted Councilmember Stipes' amendment to the motion.

Mayor Howard called for a vote on the motion and all five councilmembers voted aye.

AARON WISER, BLACKSMITH VILLAGE - TO REQUEST PRELIMINARY PLAN APPROVAL FOR BLACKSMITH VILLAGE SUBDIVISION LOCATED AT APPROXIMATELY 800 EAST BETWEEN 500 AND 700 SOUTH.

John Younger with Cache Landmark said Aaron Wiser is unable to attend tonight's meeting and asked him to attend. An application for an ingress/egress permit was submitted to U.D.O.T. for access onto State Highway 165. U.D.O.T. is requiring the developers to install an acceleration lane on 600 South. All houses fronting Highway 165 will face the highway and have a garage and driveway accessible from 700 East.

Zoning Administrator Ron Salvesen said the roads and utilities in Blacksmith Village will tie into the proposed preliminary plan design of Rolling Hills Subdivision and into the existing Leo C. Nielsen Subdivision. The developers of Blacksmith Village are working with U.D.O.T. to obtain permission for two accesses onto

State Highway 165. The houses built on Highway 165 will have double frontage lots and driveways that will be accessed from 700 East. The Planning Commission recommended approval of the preliminary plan for Blacksmith Village with the following conditions: 1) The triangle of land be added to Lot #85; 2) An 8 foot asphalt path to go across the 30' utility dedication and easement, and the location of the trail in the easement be determined by City staff; 3) The planting strips along the highway be maintained; 4) The developer plant grass and install an irrigation system in the detention pond; 5) City staff meet with the landowner to the south to discuss moving the road from 6000 South to 6200 South; 6) The trail area be shown on west end of plat; 7) Crosswalks be indicated on the streets; 8) Approval from U.D.O.T. for access onto State Highway 165 for final approval; and 9) The C.C.R.'s dictate the outer material to be used in building and indicate that two car garages are required; and 10) The C.C.R.'s dictate the houses will front Highway 165 and the garages front 700 East.

Councilmember Stipes asked if Blacksmith Village could provide the necessary utility easements if Rolling Hills Subdivision is not developed.

Zoning Administrator Ron Salvesen said the developers of Blacksmith Village are working with the developers of Rolling Hills Subdivision to obtain utility easements. Utility easements are required to be provided with the final plat.

Councilmember Rasmussen said he would prefer the 30' utility and trail be dedicated rather than just an easement. The City stipulates the location of the trail and if the City wanted the trail could run through the middle of someone's backyard.

Zoning Administrator Ron Salvesen said he would have preferred a dedicated trail also but since City ordinances do not require a trail in subdivisions the City can't require them to dedicate the property. If the developer had to dedicate the trail rather than provide an easement, the developer would lose several lots.

Councilmember Rasmussen asked if the developer had a plan to handle the stormwater runoff from Highway 165.

John Younger said the developer will have to meet all of U.D.O.T.'s requirements on Highway 165 including stormwater runoff.

ACTION

Councilmember Stipes made a motion to approve the preliminary plan for Blacksmith Village Subdivision with the following conditions: 1) The triangle of land be added to Lot #85; 2) An 8 foot asphalt path to go across the 30' utility dedication and easement, and the location of the trail in the easement be determined by

City staff; 3) The planting strips along the highway be maintained; 4) The developer plant grass and install an irrigation system in the detention pond; 5) City staff meet with the landowner to the south to discuss moving the road from 6000 South to 6200 South; 6) The trail area be shown on west end of plat; 7) Crosswalks be indicated on the streets; 8) Approval from UDOT for access onto State Highway 165 for final approval; and 9) The C.C.R.'s dictate the outer material to be used in building and indicate that two car garages will be required; 10) The C.C.R.'s dictate the houses will front Highway 165 and the garages front 700 East; and 11) The stormwater plans for Phase I be completed. Councilmember Miller seconded the motion and all five Councilmembers voted aye.

DEVERL BYWATER, BYWATER CABINETS - TO REQUEST SITE PLAN APPROVAL FOR BYWATER CABINETS TO EXPAND AN EXISTING BUILDING AT 340 NORTH 400 WEST.

Brett Bywater requested site plan approval for expansion of an existing building at Bywater Cabinets. The expansion is 100' x 100' and will leave approximately 20' between the building and the south property line. The exterior of the building will be covered with steel and stucco. The outside lighting will not disturb the residential neighborhood. The dust collector will be inside the building and the expansion of the building will not increase the amount of noise. There will be a dumpster on the north side of the building. Bywater Cabinets presently employees 12 to 15 employees and after the expansion is complete the number of employees will likely increase to 30.

Zoning Administrator Ron Salvesen said the Planning Commission reviewed Bywater Cabinets site plan on October 11, 2007 and recommended site plan approval with the following conditions: 1) Stormwater runoff be addressed to meet City ordinances; and 2) The dumpster area be fenced.

Deverl Bywater said the plan shows an additional parking lot south of the main building, however, that parking lot will not be completed with the proposed expansion. He has sufficient parking spaces for 30 employees and for customers visiting the showroom without the additional parking lot.

City Administrator D. Brent Jensen asked if there would be more than one shift running after the expansion is completed. Deverl Bywater said there is a possibility of adding a shift from 5:00 p.m. to 10:00 p.m. He will not have a shift that runs later than 10:00 p.m. He does not want to be a nuisance to the neighbors around his cabinet shop.

ACTION Councilmember Stipes made a motion to approve the site plan for Bywater Cabinets with the following conditions: 1) Stormwater runoff be addressed to comply with City ordinances; and 2) The dumpster area be fenced. Councilmember James seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCE:

RESOLUTION 07-21 - A RESOLUTION AMENDING THE SUBDIVISION BUILDING PERMITS POLICY STATEMENT GOVERNING THE ISSUANCE OF BUILDING PERMITS WITHIN APPROVED AND PLATTED SUBDIVISIONS. FIRST READING

ACTION Councilmember Stipes made a motion to waive the first reading rule for Resolution 07-21. Councilmember James seconded the motion and all five councilmembers voted aye.

Mayor Howard said on October 4, 2007 the City Council directed City Staff to prepare a resolution amending the Subdivision Building Permits Policy Statement governing the issuance of building permits within approved and platted subdivisions to allow a developer to receive building permits before sidewalks are installed, if the developer places an additional cash bond for the cost of the sidewalks with the City.

Councilmember James said the resolution needs to be amended to state that a building permit will be issued if sidewalks are not installed if the developer places an additional cash bond for the cost of the sidewalks with the City, but in order to receive an occupancy permit the sidewalk must be installed.

Councilmember Rasmussen said the homeowner is going to be the one who suffers when the City does not issue an occupancy permit, because the developer has not installed the sidewalk and driveway. The developer is not going to have one sidewalk and driveway poured at a time. Who is responsible to make the developer pour the sidewalk and cement in timely fashion?

Jay Stocking, developer of South Cache Subdivision, said if a house is ready to receive an occupancy permit, but the owners can not get one due to the sidewalk and driveway not being poured the developer will receive a tremendous amount of pressure from the owner. If the developer still doesn't install the sidewalk the City could use the cash bond and have the sidewalk installed.

Councilmember Stipes said this Resolution requires the developer to install sidewalks on all vacant lots within one year of the submittal of the construction and improvement bond. This should alleviate some of the concerns regarding a developer not completing sidewalks before the subdivision is finished.

ACTION Councilmember Stipes made a motion to table Resolution 07-21 until the first City Council Meeting in November. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ORDINANCE 07-13 - AN ORDINANCE INCREASING THE TRANSIT SALES TAX WITHIN HYRUM CITY FROM ONE-QUARTER OF ONE PERCENT (.25%) TO THREE-TENTHS OF ONE PERCENT (.30%). FIRST READING

Mayor Howard said the State Legislature removed sales tax on food. In order to keep the revenue neutral for the transit tax it required an increase in the transit tax from .25 percent to .3 percent on all remaining taxable items. The Tax Commission is requiring all municipalities to adopt an ordinance amending the transit sales tax from .25 percent to .3 percent. This ordinance has nothing to do with Proposition 1 that will be on the General Election ballot in November 2007.

ACTION Councilmember Stipes made a motion to waive the first reading rule for Ordinance 07-13. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ACTION Councilmember Stipes made a motion to adopt Ordinance 07-13 increasing the Transit Sales Tax within Hyrum City from one-quarter of one percent to three-tenths of one percent. Councilmember Felix seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

ACCEPTANCE OF WASATCH VIEW PHASE IV SUBDIVISION.

Mayor Howard said City Engineer Craig Neeley has recommended the City accept Wasatch View Subdivision Phase IV and to back date the start of the warranty period to July 15, 2007.

ACTION Councilmember Rasmussen made a motion to accept Wasatch View Subdivision Phase IV. Councilmember James seconded the motion.

Councilmember Stipes suggested amending the motion to include the warranty period started on July 15, 2007. Councilmember Rasmussen and James accepted Councilmember Stipes' amendment to the motion.

Mayor Howard called for a vote on the motion and all five councilmembers voted aye.

APPOINTMENT TO THE HYRUM CITY MUSEUM BOARD.

ACTION Councilmember James made a motion to approve the following appointments to Hyrum City's Museum Board: 1) Ted Kindred to serve a one year term; 2) Julie Hardcastle to serve a two year term; 3) Randy and Wanda Lewis to serve a two year term; 4) James Johnson to serve a three year term; 5) Scott Bushman to serve a four year term; 6) Jeff and Barbara McBride to serve a five year term; and 7) K.C. Bushman to serve a two year term. Councilmember Felix seconded the motion and all five councilmembers voted aye.

ENGINEERING SERVICES.

Mayor Howard said he is concerned about the amount of money the City spends on engineering services each month. The majority of the engineering services are for subdivisions and City projects. Engineering costs for subdivisions are reimbursed to the City by developers. However, the City's cost for municipal engineering is growing at a rapid pace and to help decrease engineering costs Hyrum City may want to consider hiring a staff engineer. There would be several advantages to a staff engineer. This will be almost imperative if the Little Bear Parkway property is annexed. Hyrum City would still have to use an outside engineering firm for specialized projects.

Councilmember Stipes said he would prefer using a local engineering firm that had expertise in numerous areas. The last time the City had an engineer on staff the engineer didn't work on the projects the City Council wanted and only did the work on the projects he was interested in.

Councilmember James asked City Administrator D. Brent Jensen if the City had contacted Aqua Engineering about supplying the City with an engineer that is stationed in Hyrum at least three days a week.

Zoning Administrator Ron Salvesen said if the City had a staff engineer it would alleviate some of the problems associated with developers trying to line up inspections. There are times when staff is expected to act as engineers in making decisions or inspections on a subdivision when the engineer is not available.

Councilmember Rasmussen said if the City hires a full time engineer is there enough work to keep that person busy. A licensed engineer with at least five years experience should be able to review subdivisions and design smaller utility extension projects.

Mayor Howard said he didn't expect the City Council to make a

decision at tonight's meeting as to whether it should hire a staff engineer. He is concerned about the increasing costs for engineering services and is looking at alternate ways to control costs.

CIVIC CENTER MECHANICAL CONTROL SYSTEM.

Mayor Howard said the system coordinator of the HVAC control system failed recently and cannot be replaced. In order to repair the furnace all of the VVT box controllers need to be replaced in order to communicate with the new system coordinator. Since we did not anticipate this failure, there is not money in the budget for repairs. The estimated costs for the improvements is \$24,000, but it has to be done immediately.

EMERGENCY GENERATOR REPAIRS.

Mayor Howard said the diesel generator is overheating due to blown head gaskets. The limited use should indicate manufacturing defects, but it is out of warranty and Cummins refutes our claims. So the only option is to pay the \$8,670.08 estimate for repairs unless the City wants to attempt to find someone locally who will repair it for less. However, if the City hires someone locally it will void the remainder of the warranty.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the Senior Center Bazaar and dinner was well attended. Over \$2,300 was raised through items purchased at the bazaar and tickets for the dinner.

Councilmember Miller said the Youth Council helped with the Elk Festival held at Hardware Ranch. The Youth Council will also be helping with the Holiday at Hardware Celebration on December 8, 2007 from 11:00 a.m. to 2:00 p.m.

Mayor Howard said the time capsule for the New Library is going to be sealed on November 3, 2007 at 11:00 a.m.

WORKSHOP:

REVIEW OF FISCAL IMPACT STUDY ON LITTLE BEAR PARKWAY ANNEXATION.

Mayor Howard said he has worked with City Administrator D. Brent Jensen and City Treasurer Lynn Coulam to prepare a fiscal impact study on the Little Bear Parkway. The General Fund and Utility Funds were evaluated to determine the impact that an additional 20,000 people would have on each department. After compiling all of the estimated revenues and expenditures, Hyrum City would have to come up with an additional \$600,000 a year (in today's dollars) to continue to provide the same level of service to its

current residents and the Little Bear Parkway residents.

City Administrator D. Brent Jensen said after all of the houses are built in the Little Bear Parkway Hyrum City will have to come up with more than \$600,000, because there will not be revenue generated from building permits.

Councilmember Felix said he is concerned about the cost to the City for this large of a residential development. The proposed development plan has very little commercial property.

Councilmember Rasmussen said in addition to the loss of \$600,000 in the General Fund the City will also have to come up with \$7.5 million for capital improvements.

Mayor Howard said the Little Bear Parkway Development would be a great addition to Hyrum City, but it will come with a lot of headaches. This development has to pay its own way, and should not financially burden the existing residents of the City. It is the City Council's decision as to whether or not to annex this property and he knows the City Council will do what is best for the citizens of Hyrum.

Zoning Administrator D. Brent Jensen said the developers of Little Bear Parkway have obtained a consultant to conduct its own fiscal impact study. The developers want to meet with the City Council on October 25 to discuss their project.

The City Council agreed that they were not in favor of holding a special meeting on October 25 to meet with the developers of the Little Bear Parkway. If the developers have new information that they want to present to the City Council then they need to present it in a regular City Council Meeting.

Councilmember Rasmussen said the Little Bear Parkway may bring a nice golf course with some commercial development, but even if the economics of the project is positive for Hyrum City it still may not be in Hyrum City's best interest to annex the property. The proposed development plan includes an extreme amount of high density which goes directly against the City's General Plan. The citizens of Hyrum helped write the General Plan and they did not want high density housing. If this property is going to be annexed the General Plan needs to be amended before the City promises density higher than currently allowed.

Councilmember Miller said the City Council is responsible to look out for the best interest of its citizens, not for the best interest of a developer. She does not want this development to be a financial burden on the citizens of Hyrum.

Councilmember Stipes said he appreciates City Staff's work in putting together the fiscal impact study. Before he makes a

decision he would like to have a couple of weeks to review the information presented in the study. He is not questioning City Staff's numbers, he just wants time to review the information. The developers of the Little Bear Parkway can hire someone to conduct a fiscal impact study, but with every study there will be different results.

ACTION Councilmember Stipes made a motion in order for the Little Bear Creek Fiscal Impact Study, conducted by the developers, to be on a City Council Agenda the study must be submitted at least one week prior to a regular City Council Meeting, to allow sufficient time for the City Council to review it before the meeting. Councilmember Felix seconded the motion and all five councilmembers voted aye.

ADJOURNMENT:

ACTION There being no further business before the Council, the Council Meeting adjourned at 8:50 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: December 6, 2007
As Written