

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 17, 2009
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, and Craig Rasmussen.

EXCUSED: Councilmember Thomas C. LaBau

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 two citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

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

INVOCATION: Mayor Howard

APPROVAL OF MINUTES:

The minutes of September 3, 2009 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of September 3, 2009 as written. Councilmember Rasmussen 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 Felix seconded the motion and all four councilmembers present voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:

- A. Reed Elder, Silver Willow Retirement Community - To request approval of a Concept Plan for the Silver Willow Planned Unit Development consisting of 22

retirement units and 3 single family dwellings at approximately 675 West 175 North.

9. OTHER BUSINESS:

A. Mayor and City Council reports.

10. ADJOURNMENT

SCHEDULED DELEGATIONS:

REED ELDER, SILVER WILLOW RETIREMENT COMMUNITY - TO REQUEST APPROVAL OF A CONCEPT PLAN FOR THE SILVER WILLOW PLANNED UNIT DEVELOPMENT CONSISTING OF 22 RETIREMENT UNITS AND 3 SINGLE FAMILY DWELLINGS AT APPROXIMATELY 675 WEST 175 NORTH.

Reed Elder requested concept plan approval for Silver Willow Planned Unit Development ("PUD"). The PUD has two areas: a 22 unit retirement area (lots 1-22); and an area for 3 single family dwellings (lots 23-25). The retirement area will have a six foot high vinyl privacy fence around its perimeter. There will be restrictive covenants requiring the front of all units and dwellings to have a combination of brick/rock and stucco, two car garage and two street trees. A Home Owners Association ("HOA") will be developed for the retirement area. The estimated HOA fee per unit is \$65 a month. The HOA is responsible for maintenance of the lawns, trees, snow removal, and future repairs of the road, curb and gutter, and sidewalks.

Zoning Administrator Ron Salvesen said on September 10, 2009 the Planning Commission recommended approval of the Silver Willow Planned Unit Development with the following conditions: 1. Amend the plat to include a requirement that owners of a retirement unit be 55 years and older; 2. Sign with development name near 675 West; 3. Submit landscape and maintenance plans; 4. HOA require ½% of sale price of homes to fund HOA account; 5. Fence installed and park landscaped before 50% of the houses are completed; 6. Include in bylaws a City Representative to serve on HOA Board; and 7. Install two benches in park area.

Reed Elder said he is purchasing this property from Craig Poppleton, but before he does he wants to know if he will be responsible to pipe the irrigation ditch that runs to the east side of the property. The property where the ditch is located is owned by the Bureau of Reclamation. Craig Poppleton is meeting with the Bureau of Reclamation to see if it will participate in the piping of the ditch. He does not want the HOA to have to pay to pipe the ditch in five years. He would rather know now so he can negotiate on the purchase price of the land.

Councilmember Rasmussen suggested the piping of the ditch be paid for by using an approach similar to an impact fee. The developer could pay the money up front and if the ditch isn't piped in ten years then the money would revert back to the developer.

Councilmember Rasmussen asked if the 34 foot roadway width was from the back of the curb to the back of the curb and if there would be a planter strip between the curb and sidewalk.

Reed Elder said there is 30 foot of pavement with 2 feet of concrete on each side of the road. The sidewalks will be set back from the curb leaving a 3 foot planter strip. Trees will not be planted in the planter strip.

ACTION

Councilmember James made a motion to approve the concept plan for Silver Willow Planned Unit Development consisting of 22 retirement units and 3 single family dwellings at approximately 675 West 175 North with the following conditions: 1. Amend the plat to include a requirement that owners of a retirement unit be 55 years and older; 2. Sign with development name near 675 West; 3. Submit landscape and maintenance plans; 4. HOA require ½% of sale price of homes to fund HOA account; 5. Fence installed and park landscaped before 50% of the houses are completed; 6. Include in bylaws a City Representative to serve on HOA Board; 7. Install two benches in park area; and 8. An agreement be worked out with Craig Poppleton regarding the piping of the ditch. Councilmember Felix seconded the motion.

Councilmember Rasmussen amended Councilmember James' motion to include that approval is based upon adequate water rights being submitted to the City to meet domestic and secondary water needs for the development; and the ½% sale price be a flat fee as negotiated with City. Councilmember James and Felix accepted Councilmember Rasmussen's amendments to the motion.

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

OTHER BUSINESS:**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Felix said he learned a lot at the ULCT Fall Conference. There were several classes that he found very interesting and beneficial.

Councilmember James said Hyrum City's cemetery records will soon be on the internet. He has found a Mr. and Mrs. Santa Claus for Hyrum City's Holiday at Hardware celebration.

Councilmember Miller said the Top of the Utah Marathon is on Saturday. She asked for the appointment of a new Youth Council

Advisor and amendments of the Youth Council Charter to be put on the next City Council Agenda.

Mayor Howard said IPP is running well and has been on line all month. There is a rumor that Los Angeles wants to make IPP a gas operated plant rather than a coal plant. The Hunter project needs to be upgraded and retrofitted. Leases are being negotiated with landowners for the wind farm in Idaho. The landowners will get \$10,000 per year per turbine on his/her property. The Payson Project has three million dollars in reserve. If passed Cap and Trade will increase electricity costs 5.5% to 92%. UAMPS is hoping for an increase of 33% or less. The cost for CRSP power will increase 10% in October.

City Administrator D. Brent Jensen said Nibley City asked if Hyrum City was interested in purchasing the property in the dip between Nibley and Hyrum to maintain a green space between cities. Curtis Knight owns the property and is starting to build storage sheds on the property. Nibley City is hoping Hyrum City will participate with Nibley in purchasing the property. If purchased the property could be placed in a Land Conservation Easement and there is a possibility that money could be obtained through the LeRay McCallister Fund.

The City Council agreed to have City Administrator D. Brent Jensen find out more information on the property.

ADJOURNMENT:

ACTION **There being no further business before the City Council, the Council Meeting adjourned at 7:15 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: October 1, 2009
As Written