

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 2, 2013 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 Aaron Woolstenhulme 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 14 citizens. Deputy City Recorder Keesha Rinderknecht 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: Councilmember Woolstenhulme

APPROVAL OF MINUTES: The minutes of April 4, 2013 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of a regular meeting held April 4, 2013 as written. Councilmember Miller seconded the motion and all five councilmembers voted aye.

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.

ACTION Councilmember Rasmussen made a motion to approve the May 2, 2013 agenda as written. Councilmember Woolstenhulme seconded the motion and all five councilmembers voted aye.

AGENDA

- 8. SCHEDULED DELEGATIONS:
 - A. Randy Ferguson -To request a home occupation business license for printing services at 745

Sunrise Avenue.

9. INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCE:
 - A. Resolution 13-05 - A resolution amending the Design Standards and Construction Specifications for Public Works Construction in Hyrum City.
 - B. Ordinance 13-02 -An ordinance amending Title 17, of the Hyrum City Municipal Code, the Zoning Ordinance to add architectural design standards for multifamily housing; to create Chapter 17.30 Residential Zone R-2A; and to restrict multi-family housing to Residential Zone R-2A, Commercial Zones C-1 and C-2, and Planned Unit Developments.
10. OTHER BUSINESS:
 - A. Consideration and approval of an agreement for dam safety consulting services.
 - B. Appointment of an alternate member to the Planning Commission.
 - C. Sponsorship of Cache Community Food Pantry Benefit Dance at Elite Hall.
 - D. Presentation of the 2013-2014 Operating Budgets.
 - E. Mayor and City Council reports.
11. CLOSED SESSION:
 - A. To discuss the purchase, exchange, sale, or lease of real property.
 - B. To discuss the character, professional competence, or physical or mental health of an individual.
12. OPEN SESSION:
 - A. Purchase and sale of real property.
13. ADJOURNMENT

SCHEDULED DELEGATIONS:

RANDY FERGUSON - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE FOR PRINTING SERVICES AT 745 SUNRISE AVENUE.

Councilmember James said Randy Ferguson was unable to attend tonight's meeting and asked him to explain his business to the City Council. Randy wants a Home Occupation Business License at 745 Sunrise Avenue to fix printers. Printers will be maintained and repaired at the business's he services. He will not have people coming to his house nor will it be a store.

ACTION Councilmember Rasmussen made a motion to approve a Home Occupation Business License for Randy Ferguson at 745 Sunrise Avenue to repair printers. Councilmember Felix seconded the motion and all five councilmembers voted aye.

RESOLUTION 13-05 - A RESOLUTION AMENDING THE DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION IN HYRUM CITY.

Mayor Howard said Resolution 13-05 amends Hyrum City's Design Standards and Construction Specifications for public works construction in Hyrum City. City Engineer Craig Neeley has reviewed and is recommending approval of the changes.

ACTION Councilmember James made a motion to approve Resolution 13-05 - A resolution amending the Design Standards and Construction Specifications for public works construction in Hyrum City. Councilmember Felix seconded the motion and all five councilmembers voted aye.

ORDINANCE 13-02 -AN ORDINANCE AMENDING TITLE 17, OF THE HYRUM CITY MUNICIPAL CODE, THE ZONING ORDINANCE TO ADD ARCHITECTURAL DESIGN STANDARDS FOR MULTI-FAMILY HOUSING; TO CREATE CHAPTER 17.30 RESIDENTIAL ZONE R-2A; AND TO RESTRICT MULTI-FAMILY HOUSING TO RESIDENTIAL ZONE R-2A, COMMERCIAL ZONES C-1 AND C 2, AND PLANNED UNIT DEVELOPMENTS.

ACTION Councilmember James made a motion to adopt Ordinance 13-02 - An ordinance amending Title 17, of the Hyrum City Municipal Code, the Zoning Ordinance to add architectural design standards for multi-family housing; to create Chapter 17.30 Residential Zone R2A; and to restrict multi-family housing to Residential Zone R-2A, Commercial Zones C-1 and C-2, and Planned Unit Developments. Councilmember Miller seconded the motion.

Councilmember Rasmussen said he has questions on the purpose of creating a new residential zone that allows multifamily housing and eliminating from all other residential zones. Anyone wanting to build multifamily would have to apply for a zoning change to permit it or else develop the project as a PUD. One of the reasons given by the Planning Commission is so the City Council would have to hold a public hearing, but that would only be optional because State Law only requires the Planning Commission to hold a public hearing.

Zoning Administrator Ron Salvesen said the creating the new zone will require anyone wanting to build multi-family housing in a residential zone, other than as a PUD, to rezone the prop-

erty. Rezoning gives the City Council and Planning Commission the opportunity to determine if multi-family housing fits into the residential area.

Councilmember James said he would prefer multi-family housing be allowed only in Residential Zone R-2A and remove it from Commercial Zones C-1 and C-2.

Councilmember Rasmussen said he is concerned about individual property rights. It isn't fair to property owners who were planning on building multi-family housing on their property. The City will be spot zoning to allow multi-family housing and it is illegal even though the courts doesn't enforce it. He is concerned by requiring a rezone it will elevate problems with neighbors. A property owner should be able to build what is allowed without subjectivity.

Councilmember James said he is concerned about the residents of Hyrum and their property rights also. They have invested into their homes and are committed to their neighborhoods.

Zoning Administrator Ron Salvesen said if property owners want to build multi-family housing they can apply for a rezone. In 2005 State Law changed and spot zoning is legal.

Councilmember Rasmussen said the architectural design standard requirements for multi-family housing is excessive. He drove through Hyrum and there are a lot of single family houses with vinyl siding. If the City wants multi-family housing units to blend in with neighborhoods it needs to eliminate the architectural design standards. The units should not have to face City streets. He asked if the Planning Commission reviewed the financial costs of the units in order for them to meet the architectural design standards.

Zoning Administrator Ron Salvesen said the Planning Commission was firm and its vote was unanimously in favor of the architectural design standards. The Planning Commission agreed that multi-family housing is a business in a residential zone and should be held to a higher status.

Councilmember James said he prefers multi-family housing units face City streets. There is more privacy to neighboring property owners by not having windows facing side and backyards.

Councilmember James amended his motion to adopt Ordinance 13-02 - An ordinance amending Title 17, of the Hyrum City Municipal Code, the Zoning Ordinance

to add architectural design standards for multifamily housing; to create Chapter 17.30 Residential Zone R-2A; and to restrict multi-family housing to Residential Zone R-2A, Commercial Zones C-1 and C-2, and Planned Unit Developments with the following amendments: 1. Omit multi-family housing in Commercial Zones C-1 and C-2; and 2. To remove the proposed architectural design standards for multi-family housing from Residential Zone R-2A. A workshop be scheduled with the Planning Commission and City Council to review the architectural design standards. Councilmember Miller accepted Councilmember James' amendments.

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

Councilmember James thanked the Planning Commission Members for their time and dedication to this issue and complimented them on a job well done.

CONSIDERATION AND APPROVAL OF AN AGREEMENT FOR DAM SAFETY CONSULTING SERVICES.

Mayor Howard said FERC wants the city to complete what is known as a Subpart 12D study and establish a timeline for renovation of our power plant dam. Initial estimates for a 12D study ran as high as \$100,000 but FERC assures us they will require only the initial study without an annual update. Following our investigation and based upon UAMPS' recommendation, we propose contracting with McMillen, LLC of Boise for the initial phase of the study at \$9,730.

ACTION Councilmember Felix made a motion to approve an agreement for dam safety consulting services with McMillen, LLC. Councilmember Felix seconded the motion and all five councilmembers voted aye.

APPOINTMENT OF AN ALTERNATE MEMBER TO THE PLANNING COMMISSION.

Mayor Howard recommended the appointment of Terri Mann as an alternate member of the Planning Commission.

ACTION Councilmember James made a motion to appoint Terri Mann as an alternate member to the Planning Commission. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

SPONSORSHIP OF CACHE COMMUNITY FOOD PANTRY BENEFIT DANCE AT ELITE HALL.

Councilmember Rasmussen said Arden and Cyt Ott want to hold a benefit dance for the Cache Community Food Pantry at the Elite Hall on Saturday, May 25 from 8:00 to 11:00 p.m. It will be a youth dance with standards and music similar to an LDS Stake dance. There will not be refreshments. To encourage food donation a discount on the admittance fee will be reduced with a can of food.

ACTION Councilmember Rasmussen made a motion for Hyrum City to help sponsor a benefit dance for the Cache Community Food Pantry by allowing the use of the Elite Hall. Councilmember James seconded the motion and all five councilmembers voted aye.

PRESENTATION OF THE 2013-2014 OPERATING BUDGETS.

Mayor Howard distributed a copy of the 2013-2014 Operating Budgets proposal. If the City Council has any questions on the budget they can contact City Administrator Brent Jensen.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Woolstenhulme is working on National Night Out Against Crime.

Councilmember Felix said the Library is starting its summer reading program. The Museum is holding an old car and tractor show this summer called Hot Dogs and Wheels.

Councilmember Miller said the Youth Council is helping Lincoln Elementary with its School Carnival on May 10, and will be helping put flags on veteran's graves on May 24. The historic cabins are almost finished and the General Store should be open by June.

Mayor Howard said the City had over 820 volunteers on Comcast Cares Day. Hyrum City had more volunteers than any other community in Utah since the program began. There were 23 projects completed with ample people at all project sites.

Hyrum City is fortunate to have so many great people who are willing to donate their time and talent to help make Hyrum a great place to live.

CLOSED SESSION:

TO DISCUSS THE PURCHASE, EXCHANGE, SALE, OR LEASE OF REAL PROPERTY AND TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.

ACTION Councilmember Felix made a motion at 7:10 p.m. to adjourn into a closed session to discuss the purchase, exchange, sale, or lease of real property and to discuss the character, professional competence, or physical or mental health of an individual. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

Those present in the closed session were: Mayor Howard, Councilmembers Felix, James, Miller, Rasmussen, and Woolstenhulme, City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, and City Recorder Stephanie Fricke.

The closed session was digitally recorded and saved as "Closed Session - City Council Meeting 05/02/2013".

ACTION Councilmember Miller made a motion at 7:23 p.m. to reconvene into an open session. Councilmember Woolstenhulme seconded the motion and all five councilmembers voted aye.

OPEN SESSION:

PURCHASE AND SALE OF REAL PROPERTY.

ACTION Councilmember Rasmussen made a motion to accept the offer of \$58,581 with no impact fees charged for the building lot owned by the City in Wasatch View Subdivision. Councilmember Woolstenhulme seconded the motion and all five councilmembers voted aye.

ADJOURNMENT:

ACTION There being no further business before the City Council, the Council Meeting adjourned at 7:25 p.m.

ATTEST: _____
W. Dean Howard
Mayor

Stephanie Fricke
City Recorder

Approved: May 16, 2013
As written