

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 1, 2015
AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Scot M. Allgood, Martin L. Felix, and Paul C. James, and Aaron Woolstenhulme were present.

EXCUSED: Councilmember Jared L. Clawson

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

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

WELCOME: Mayor Miller welcomed everyone in attendance.

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

INVOCATION: Councilmember Woolstenhulme

APPROVAL OF MINUTES:

The minutes of September 3, 2015 were approved as written.

ACTION Councilmember Felix made a motion to approve the minutes of a regular City Council Meeting on September 3, 2015 as written. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was faxed to The Herald Journal, posted on the 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 James made a motion to approve the agenda for October 1, 2015 as written. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

9. SCHEDULED DELEGATIONS:

- A. Traci Welchman - To request a Home Occupation Business License at 390 East 400 South for a nail salon.
 - B. Bryce Jackson - To request a Home Occupation Business License at 408 South 1250 East for tutoring service.
 - C. Ben Taylor, Neighborhood Nonprofit Housing - To request Preliminary Plat approval for Mountain View Estates for a 210 lot single family subdivision located at approximately 1300 East 600 South.
10. INTRODUCTION AND APPROVAL OF RESOLUTIONS:
- A. Resolution 15-16 - A resolution requesting the recertification of the Hyrum Court.
 - B. Resolution 15-17 - A resolution of Hyrum City adopting the 2015 Pre-Disaster Mitigation Plan: Bear River Region.
11. OTHER BUSINESS:
- A. Consideration and acceptance of Mt. Sterling Farms Phase I.
 - B. Consideration and award of bid for the Little Feeder Ditch Project.
 - C. Consideration and award of bid for asbestos removal and demolition of buildings.
 - D. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Cody Matthews said he owns a mink ranch that borders Hyrum City limits on its east side. Hyrum City has recently approved a large development that will be near his mink ranch. He wanted to make sure the City Council was aware that his mink ranch is in an Agriculture Protection Zone and has rights as a mink rancher. He gave the City Council three letters from Fur Breeders Agricultural Cooperative that addressing development around and near mink ranchers. Mink ranches can be adversely impacted by loud noise, lighting, construction work, vibration, etc. during certain times of the year. The City needs to make sure that any development is fully aware of the potential impact their development and lighting may have on a mink ranch. The Utah Attorney General's office has recognized the impact of light on mink and a developer will not want to be responsible for his mink loss. He is not against development but wants to make sure the City Council understands the liability if there is a mink loss on his farm. The residents near the development need to be aware of the sounds and smells of a mink ranch. His mink ranch isn't going anywhere and when he gets old his boys will take it over.

Councilmember James said the City needs to make sure the developer complies with dark sky lighting and that construction noises aren't during the times of the year that can disturb the mink. The developer needs to contact Cody Matthews so that the developer understands what needs to be done to prevent problems.

There being no further public comment, Mayor Miller moved to the next agenda item.

SCHEDULED DELEGATIONS:

TRACI WELCHMAN - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 390 EAST 400 SOUTH FOR A NAIL SALON.

Traci Welman said she wants to put a nail salon in her home at 390 East 400 South. She would only have one client at her home at a time.

Councilmember Allgood said he was concerned about parking because the parking area behind the garage is far into the driveway and clients may not feel comfortable parking there. He recommended either adding a space by the side of the driveway or she needs to ask her customers to park by the garage and not on the street.

ACTION

Councilmember Woolstenhulme made a motion to approve a Home Occupation Business License for Traci Welchman at 390 East 400 South for a nail salon with the condition that she informs and doesn't allow her clients to park on the side of the street. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

BRYCE JACKSON - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 408 SOUTH 1250 EAST FOR TUTORING SERVICE.

Bryce Jackson said he wants to provide a tutoring service from his home at 408 South 1250 East. He has provided the City a written letter from the Home Owners Association giving its permission for Bryce to have a tutoring business in his home. There is a visitor parking area across from his unit where customers will park. He will only have one client in his home at a time.

ACTION

Councilmember James made a motion to approve a Home Occupation Business License for Bryce Jackson at 408 South 1250 East for a tutoring service.

Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

BEN TAYLOR, NEIGHBORHOOD NONPROFIT HOUSING - TO REQUEST PRELIMINARY PLAT APPROVAL FOR MOUNTAIN VIEW ESTATES FOR A 210 LOT SINGLE FAMILY SUBDIVISION LOCATED AT APPROXIMATELY 1300 EAST 600 SOUTH.

Ben Farnsworth with Neighborhood Nonprofit Housing said as the City Council seen on its visit to its development in Nibley all of the front yards are landscaped in the development. He speculates that one phase will be built annually.

City Administrator Ron Salvesen said the Planning Commission recommended approval of the Preliminary Plat for Mountain View Estates a 210 lot single family subdivision located at approximately 1300 East 600 South with the following conditions: 1. Final approval of the construction drawings before any construction is allowed; 2. There is an agreement with Elk Mountain before the Final Plat is approved (that is acceptable to the City to complete utility connections and road extensions down 1300 East and sewer line on 1170 East); 3. Irrigation line noted on plat (45 foot rear setback); and 4. A statement about agricultural area, and that the statement be put in the CC&R's and on the Final Plat.

City Recorder Stephanie Fricke said City Councilmember Clawson could not be at tonight's meeting and asked her to read the following statement: "I want to address a statement that was made at Planning Commission regarding the development of the ground and the irrigation line that was installed a few years ago for the farmers not being a concern if it broke because the farmers will be developing this ground in a few years. He owns this land and at this time development of the ground is purely speculation and an assumption. He is greatly concerned about the irrigation line and the variance it will need. The irrigation line is a high pressure with high volume and if it breaks there will be flooding and who will be liable for it. He asked the City Council to consider liability and to make sure a houses are setback far enough from the line that if it breaks the damage will be minimalized.

Michael Taylor with Neighborhood Non-profit Housing said there will be a 10' easement that will act as a buffer for the pipe in case it breaks.

City Administrator Ron Salvesen said the City Engineer has reviewed the easement and feels that the 10' easement would be

sufficient if the line broke.

Councilmember Allgood said the developer needs to meet with Cody Mathews to work around Cody's mink breeding schedule. That all lights should be dark sky lighting and it is important that the Neighborhood Non-profit Housing inform the people buying homes in its subdivision that there is a mink ranch adjacent to the subdivision and there will be odors, sounds, and activity related to mink farming.

Councilmember Woolstenhulme said the mink ranch was in the area first and has rights. If the residents complain about the mink operation the City will most likely not take their side.

Councilmember Allgood asked if an easement has been obtained yet from the Elk Mountain property owners.

Ben Farnsworth said they are working on it but have had a difficult time being able to arrange a time to discuss it since the owner is on an LDS Mission and is out of the country.

ACTION

Councilmember James made a motion to approve the Preliminary Plat for Mountain View Estates a 210 lot single family subdivision located at approximately 1300 East 600 South with the following conditions: 1. Final approval of the construction drawings before any construction is allowed; 2. There is an agreement with Elk Mountain before the Final Plat is approved (that is acceptable to the City to complete utility connections and road extensions down 1300 East and sewer line on 1170 East); 3. Irrigation line noted on plat (45 foot rear setback); 4. A statement about agricultural area, and that the statement be put in the CC&R's and on the Final Plat; 5. The developer work with Cody Matthews to ensure that his mink operation isn't disturbed with light or noises during breeding times; and 6. That all outside lighting be reflective down lighting even going beyond dark sky lighting requirements. Councilmember Felix seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS:

RESOLUTION 15-16 - A RESOLUTION REQUESTING THE RECERTIFICATION OF THE HYRUM COURT.

ACTION

Councilmember James made a motion to approve Resolution 15-16 requesting the recertification of the

Hyrum Court. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

RESOLUTION 15-17 - A RESOLUTION OF HYRUM CITY ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

ACTION Councilmember James made a motion to approve Resolution 15-17 adopting the 2015 Pre-Disaster Mitigation Plan: Bear River Region. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

OTHER BUSINESS:

CONSIDERATION AND ACCEPTANCE OF MT. STERLING FARMS PHASE I.

City Administrator Ron Salvesen said the City Engineer has reviewed Mt. Sterling Farms Phase I and is recommending acceptance of all improvements to the Mt. Sterling Farms Phase I.

ACTION Councilmember James made a motion to accept Mt. Sterling Farms Phase I subdivision effective August 15, 2015. Councilmember Woolstenhulme seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

CONSIDERATION AND AWARD OF BID FOR THE LITTLE FEEDER DITCH PROJECT.

City Administrator Ron Salvesen said the City received 11 bids for the Little Feeder Canal Pipeline Project:

<u>Bidder</u>	<u>Bid Amount A</u>	<u>Bid Amount B</u>
Allied Underground Technology	\$171,477.96	\$164,910.72
AAA Excavation Inc.	\$166,786.73	\$170,373.00
DWA Construction Inc.	\$242,010.41	\$196,176.05
Edge Excavation Inc.	\$204,955.00	\$204,955.00
Knife River Corp.	\$216,453.00	\$208,440.00
Ormond Construction Inc.	\$291,814.10	\$215,663.89
Mesquite Utah	\$241,905.00	\$220,537.00
Cameron's Excavation	\$223,951.85	\$240,632.35
Leon Poulson Construction	\$246,427.75	\$239,750.25
Whitaker Construction	\$284,033.00	\$249,310.00
Counterpoint Construction	\$255,498.00	\$266,182.00
<i>Engineer's Estimate</i>	<i>\$244,805.00</i>	<i>\$250,893.00</i>

The City Engineer has reviewed all the bids and is recommending awarding the Little Feeder Ditch Project Schedule B to Allied Underground Technology for \$164,910.72. Allied has done construction before in the City and should be qualified to do this job.

ACTION **Councilmember Felix made a motion to award the Little Feeder Ditch Project Schedule B to Allied Underground Technology for \$164,910.72. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.**

CONSIDERATION AND AWARD OF BID FOR ASBESTOS REMOVAL AND DEMOLITION OF BUILDINGS.

City Administrator Ron Salvesen said the City received three bids for asbestos removal for Hawn's Lounge and fire equipment bays:

<u>Bidder</u>	<u>Amount</u>
Eagle Environmental, Inc.	\$29,933
Rocmont Industrial Corporation	\$49,160
EAI	\$55,496

City Administrator Ron Salvesen said Eagle Environmental is a large company and has a good reputation in the business. They told our inspector they needed work in October so they were very aggressive in their bid proposal. Sometimes it is all in timing on these bids. They will start October 19th and will be completed in about two weeks. They are required to have a special permit for some of this asbestos removal so that is why they can't start sooner.

ACTION **Councilmember James made a motion to award the asbestos removal to Eagle Environmental Inc. for \$29,933. Councilmember Allgood seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.**

City Administrator Ron Salvesen said the City received three bids for demolition of Hawn's Lounge, City house (near cemetery), and fire equipment bays:

<u>Bidder</u>	<u>Amount</u>
Johnsons	\$33,880.00
Parsons	\$39,300.00
Birch Creek	\$41,900.00

They plan is to begin demolition the first week of November.

ACTION

Councilmember James made a motion to award the demolition of the buildings to Johnsons for \$33,880. Councilmember Woolstenhulme seconded the motion and Councilmembers Allgood, Felix, James, and Woolstenhulme voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Woolstenhulme said Natalie Isom called him to express her appreciation for decreasing the rental rate on the Civic Center for piano recitals.

Councilmember Felix said he attended the ULCT Conference in September and the classes were very educational as usual. He attended an IPA Board Meeting and there will be another agreement that the City needs to approve.

Councilmember James said Hyrum Holidays at Hardware Ranch is December 5, 2015. He is working on finalizing the arrangements for that day. Hyrum Ski Night at Beaver Mountain is January 5, 2016. Last year there was great attendance and he is excited to be having it again.

Councilmember Allgood said he is trying to find a speaker for the Patriotic Program and is trying to arrange for Glen Beck.

City Administrator Ron Salvesen said Curtis Knight wants to annex the property with the storage sheds on the northeast side of town. He asked if the City Council would be interested in annexing the property even if some of the homeowners in between the storage sheds had to be forced to annex.

Mayor Miller invited the City Council to attend the Trust Leadership Conference on October 29 at the ULCT Office. The Youth Council is hosting Meet the Candidates Night at the Senior Center on October 14 at 6:30 p.m.

ADJOURNMENT:**ACTION**

There being no further business before the City Council, the Council Meeting adjourned at 7:40 p.m.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: October 15, 2015
As written