

Minutes of the
Honeyville City Council Meeting
for 13, January 2016

The Honeyville City Council met in regular session on **13 January, 2016, at 7:00 p.m.** in the Honeyville City Hall. Present were: Jordon Andersen, Mary Bingham, Dave Forsgren, John Huff, David Lee and Rich Stacey.

Meeting called to order by Mayor Forsgren at 7:00 p.m.

Invocation - None given.

Pledge of Allegiance – Mayor Forsgren

Conflict of Interest - None.

Oath of Office - Emily Ketsdever, City Clerk administered the oath of office to the newly elected officials, Mary Bingham, Rich Stacey and David Lee.

State of the City Address - Mayor Forsgren issued a State of the City address mentioning the things that have occurred over the last year. Some of the highlights were that Honeyville City's audit report certified that Honeyville is compliant with audit practices and is debt free. Mayor Forsgren noted the individuals who are currently serving on the council and what each of their responsibilities are. Mayor also thanked the councilmen who are not returning and he thanked all of the city employees for their dedicated work. Mayor Forsgren noted the growth Honeyville City is experiencing with building permits issued and approved subdivisions. A sidewalk was installed from 7200 North up to North Sunset Meadows to serve the citizens. An electric motor was installed at the South Well house, which was a much needed upgrade to the water system. Proposed projects to look for in 2016 are as follows, improving waterlines as needed, continue improvements at the city parks and install sidewalk from Call's Fort Road south to Call's Fort Cemetery. Mayor Forsgren thanks the citizens of Honeyville for making Honeyville a wonderful place to live.

Public Comment Period - None.

Planning Commission Report - Zoning Administrator, Emily Ketsdever

- A. **Adam Gardiner - Call's Fort Phase 2 Subdivision Final Plan** - Adam Gardiner is here to request final approval for Call's Fort Subdivision Phase 2. Planning Commission has reviewed this plan and has recommended it to City Council for their approval. City Council reviewed and discussed this subdivision plan. This subdivision consists of 4 lots and most of the infrastructure is already in place and it has secondary and culinary water available to each lot. There is a requirement that a fence will be installed along the canal. The owners of lot 21 and 22 need to be aware of the easement that goes along there and on lots 22 and 23 there is a canal easement. Adam

Gardiner stated that all of the easements are noted in the sales agreements for the potential buyers. David Lee made a motion to approve Call's Fort Phase 2 Final Plan, Jordon Andersen second the motion. Motion passed 5 - 0.

- B. Adam Gardiner - Call's Fort Phase 2 Escrow Agreement** - Call's Fort Subdivision Phase 2 has an Subdivision Improvement Guarantee Agreement which is a line of credit that guarantees all necessary improvements to complete the infrastructure will be completed. Mary Bingham made a motion to accept the Subdivision Improvement Guarantee Agreement for Call's Fort Subdivision Phase 2, David Lee second the motion. Motion passed 5 - 0.
- C. Frank May SkiDoo - Site Plan** - Frankie May is here to request approval of the Site Plan for the relocation of Frank May SkiDoo. Planning Commission has reviewed this plan and has recommended City Council approve it. City Council reviewed and discussed this site plan. Lighting and signage will all be addressed with the building permit, as well as following the ordinance with any other items associated with this. The intersection at 6900 North and 3600 West will be improved by Honeyville City for approximately 200 feet. Fire flow is not a concern with this business where a sprinkling system will be installed inside the building. The proposed building will sit to the far north side and there are no plans for the south side of the property other than farm it to keep the weeds down. Jordon Andersen made a motion to approve Frank May SkiDoo Site Plan, David Lee second the motion. Motion passed 5 - 0.
- D. Frank May SkiDoo - Lot Line Amendment** - Frankie May's property is currently in two separate lots and it is suggested to amend the lot lines leaving one acre where the proposed business will be located with a larger parcel to the south side. Jordon Andersen made a motion to approve the lot line amendment as presented, Mary Bingham second the motion. Motion passed 5 - 0.
- E. Brent Bailey - Conditional Use Permit for Gravel Pit** - Brent Bailey is looking for approval of a conditional use permit to operate a gravel pit. Planning Commission reviewed this application and suggested that Brent Bailey come back in 6 months to show that he has been able to comply with the gravel pit ordinance.

Mr. Bailey recently purchased the gravel pit from Kelly Walker. Brent Bailey has submitted a letter that states he will comply with the gravel pit ordinance. He has been operating and there has not been any problems with the operation or with the trucks driving through town. He has also complied with Honeyville City Zoning Regulations, such as operating hours. Mr. Bailey stated that one issue is getting a restoration bond, his bank needs the city to define what that is so they can develop a bond for it. The gravel pit restoration is something that happens at the very end of the gravel pit operations. Mr. Bailey is willing to do this but not sure how to move forward with it and asks for direction from the city. Planning Commissions concern was how will it be restored and how will it be guaranteed that it will be restored.

Kelly Walker's pit was grandfathered in and he was not required to develop a restoration plan. Mr. Bailey has an interest in following and complying with the ordinance. A rehabilitation plan can be developed as reasonably as possible. This is something that can be worked out over the next few months. David Lee made a motion to approve conditional use permit for six months for Brent Bailey to operate a gravel pit, Mary Bingham second the motion. Motion passed 5 - 0.

- F. Boyd Bingham - Discuss Land Use Concerns** - Boyd Bingham stated that he has heard that the city claims a right-of-way on 8000 North between 3600 West and the Hammon West Canal. Mr. Bingham is here to ask what basis they have to make that claim. Mayor Forsgren stated the city has not claimed that the city has owned it. It was only suggested that there was a right-of-way and the city did not know who owned it or who had the right to use it. It reflects on a plat map that came from Box Elder County.

Councilman Aoki had a conversation with Boyd Bingham about this and Mr. Aoki had stated that Honeyville City has been collecting Class C Road funds on that right of way for many years. Mr. Aoki was going to research this for Mr. Bingham and get back to him and he never did this and instead showed up at the Planning Commission meeting with false documents. The documents claimed that Boyd Bingham's dad had subdivided his property into five acre lots before he died which Richie Aoki was basing the claim on a quit claim deed which was signed in 1998 by Mr. Bingham's dad.

Mr. Bingham stated there is a right-of-way on the east side of the property along the fence line and there is no road there. Mr. Bingham stated he is not sure why the right-of-way is there and it can only be accessed by his property and the only way it could be used is if they decided to subdivide their property and they could use that. There is a right of way that goes through the property. This property was subdivided in 1912 and did not happen in 1998. The quit claim deed that was discussed had nothing in regards to a right-of-way or nothing that involved Honeyville City. It was an estate planning document that was signed by his father and had nothing to do with the city. Boyd Bingham stated there is only one right-of-way other than the one on the east side of the property that could be accessible at all; that right-of-way is right from the canal running north and south along the canal going north and south for the canal company. The only right-of-way that is there is for the Bingham's to use because they own the property. The Bingham's have preserved the right-of-way by grazing cattle and closing the gates; according to the state law.

Mr. Bingham stated he was concerned that no one on the City Council had spoken to him about this and instead he felt they were talking about it behind his back. Mayor Forsgren stated the only time that this was talked about was during the Planning Commission meeting where Sid Keller's subdivision concept plan was being discussed. Boyd Bingham said on this subdivision plan it shows that a gate will be installed in the fence and Mr. Bingham stated that no one has a right to put a gate in his fence. The Windy Poplars Subdivision Concept plan states that a gate would be installed only for the purposes of the Bingham's accessing the property and it restricts

anyone else from doing so through the gate. If the Bingham's would rather not have a gate installed there won't be a gate and it will just be a fence. Mr. Bingham would rather not have a gate installed.

Mr. Bingham also asked why does this road show up on the city road map, as well as the one that goes west of his property to his corrals? It was noted that his roads are not listed as city roads and are shown on the master street plan for future roads only if the property is ever developed in the future. Boyd Bingham stated the road he is talking about is from the canal to the road which he has built and improved and Richie Aoki said that the city has been collecting Class C Road funds on this. It was mentioned that Class C Roads need to be improved and maintained by the city before any funds can be collected on them and the city has not maintained that road.

Mayor Forsgren said there was not anything the city was going to do about it and Mr. Bingham stated he will plan to put up locked gates with signs so the city and everyone else understands that someone's private property rights can't be taken. Mr. Bingham stated he has researched this property and the city has no right-of-way to this property. Mayor Forsgren said the city has not stated claim to his property. It was mentioned that the city hasn't been collecting funds, Troy McNeely remembers the last audit the city had with UDOT they never went down Boyd Bingham's road. Boyd Bingham wants to make sure it's clear that this road is not the city's.

City Council responded letting Mr. Bingham know that they have not heard any talk about this situation and was unaware of this even being discussed. This item was talked about at Planning Commission in December which was after the Council had their meeting in December. Mr. Bingham explained that he attended a Planning Commission meeting on December 16, 2015 where Windy Poplars Subdivision was going to be talked about and the meeting was cut short because a member had to be excused leaving the commission without a full quorum and this item was not discussed. Mr. Bingham had spoken with Richie Aoki about this concern and Mr. Aoki said he would research this and get back with him and Mr. Bingham did not hear back from him. Mr. Aoki presented the documents at Planning Commission meeting on December 22, 2015. This item is being brought up due to the concern with the gate in regards to Windy Poplars Subdivision. Mr. Bingham wants it clear that this is not Honeyville City's road and he can prove it. City Council has not seen this subdivision or anything about the road and they will deal with it when it comes to them.

G. Sidney Keller - Discuss Land Use Concerns - Nothing to discuss.

H. New Members for Planning Commission - Mayor Forsgren has asked Angela Millsap and Jeanne Cutler to serve on the Planning Commission and they have agreed. They will be replacing and completing the terms of Mary Bingham and Layne Huff. Jordon Andersen made a motion to approve Angela Millsap and Jeanne Cutler to serve on Planning Commission, David Lee second the motion. Motion passed 5 - 0.

- I. **New Members for Board of Appeals** - Mayor Forsgren has asked Andy Yeates to serve on Board of Appeals and he has agreed. David Lee made a motion to approve Andy Yeates to serve on Board of Appeals, Jordon Andersen second the motion. Motion passed 5 - 0.

City Administration - Mayor David Forsgren

- A. **City Council Minutes** - Minutes from December 9, 2015 were reviewed and discussed. John Huff made a motion to approve the minutes for December 9, 2015, Jordon Andersen second the motion. Motion passed 3 - 0. Mary Bingham and Rich Stacey abstained.
- B. **Honeyville City Check Detail** - Check detail of December 3, 2015 - January 4, 2016 was reviewed and discussed. David Lee made a motion to approve the check detail for December 3, 2015 - January 4, 2016, Jordon Andersen second the motion. Motion passed 5 - 0.
- C. **2016 Meeting Schedule and Opening Ceremonies/2016 Council Assignments** - 2016 meeting schedule and opening ceremonies and council assignments was reviewed and discussed. Mayor Forsgren will be in charge of the Youth City Council. Jordon Andersen made a motion to approve 2016 meeting schedule and opening ceremonies, John Huff second the motion. Motion passed 5 - 0.

General Community - Councilman Mary Bingham

- A. Mary Bingham will begin the planning for the upcoming Fourth of July activities and Youth Rodeo.

Parks and Cemeteries - Councilman John Huff

- A. **Tourism Grant Park Improvements** - John Huff stated that he has contacted the grant company and the paperwork for the 2016 grant has been submitted and should be awarded in May. There are two separate grants, one for soccer goals and one for soccer field improvements. Tourism grant money is still available to use towards purchasing soccer goals. Mayor Forsgren will contact Box Elder County Tourism seeing when the funds for the grant need to be spent. If the grant needs to be spent now, Mr. Huff will order the soccer goals now through the Tourism funds.

Public Health and Safety - Councilman Jordon Andersen

- A. **Fire District Report - Jordon Andersen** - Calls over the previous month were reviewed and discussed by Jordon Andersen.
- B. **Animal Control** - Animal calls that occurred over the previous month were reviewed.

Water Department - Councilman David Lee

- A. **South Well Upgrade** – This project is completed and it is going to be a great benefit for the community. The north and south pump houses are currently being cleaned and painted.

Streets and Roads - Councilman Rich Stacey

- A. **North Sidewalk Project (payment request)** - The sidewalk project on the north side of town is completed. Final payment is being requested at this time for phase 1 and phase 2 invoices in the total amount of \$25,169.28. David Lee made a motion to make a final payment to Triple J Concrete in the amount of \$25,169.28 for phase 1 and phase 2 of the North Sidewalk Project, Jordon Andersen second the motion. Motion passed 5 - 0.

- B. Rich Stacey stated he will talk with Richie Aoki about Boyd Bingham's right-of-way and see what he can do to help with that item.

Jordon Andersen made a motion to adjourn, David Lee second the motion. Motion passed 5 - 0.

Adjournment at 8:32 p.m.

The foregoing minutes were taken and typed by Emily Ketsdever.

ATTEST:

Date Approved: February 10, 2016



Emily Ketsdever
Emily Ketsdever, City Recorder/Clerk

David Forsgren
David Forsgren, Mayor