

**Hyde Park City Council Meeting
113 East Center Street**

March 23, 2016

The Hyde Park City Council meeting of March 23, 2016 began at 7:00 pm and was conducted by Mayor Bryan Cox.

City Officials Present: Mayor: Bryan Cox, Council members: Mark Hurd, Bob Christensen, Bret Randall, Sharidean Flint, and Charles Wheeler. Planning and Zoning members: Mark Lynne and Melinda Lee, Building Inspector Darrin Hancey, and Public Works Director Mike Grunig. City Recorder Donja Wright was excused.

Other Present: Scott Archibald, Lance Anderson, Wilbert Finley, ReNae Randall, Tessa Olsen, Dave Williams, Niel & Debbie Murray; Scott, Bann & Griffin Matson, Jesse & Andrew Riding, Jason Peery, Brooker Low, Matt & Andrew Fowles, Dylan Chambers, (Scout Troop 334), Mike Tullis, Bianca Dahl, Lora Brimhall, Cal & Kathy Jensen, Charles Hansen, Ben & Dawson Clegg, Andrew W, Ben Jarvis, Renee Savage, Dan Watkins

Prayer or Thought: Council member Hurd

Pledge of Allegiance: Keaton Gillman, Troop 334

Adoption of Agenda: Council member Christensen moved that the Hyde Park City Council approve the agenda for the March 23, 2016 City Council meeting as presented. Council member Flint seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0

Review of February Financial Statement: No questions.

Citizen Input: Wilbert Finley of 200 East Memory Lane, expressed concern about the safety of the bridge in his development. Children could easily fall under the guardrail and fall off the bridge. Currently it is mostly mud below. Wil also submitted a letter of other concerns. Melinda will forward the letter on to City Council members. Wil is happy to return and answer any questions.

Tessa Olsen, Accessory Apartment proposal: Tessa Olsen is in the process of applying for an Accessory Apartment Special Use Permit. Upon inspection, Darrin Hancey found the home needs egress windows in the basement. Tessa has limited funds and cannot pay for that now (about \$1000/window). She proposed the permit be approved with the condition the windows be brought into compliance within a year or so. The Mayor announced this is the City's first applicant since creating the ordinance in 2014 and that Darrin Hancey has tried to exercise leniency. Darrin Hancey said this is a good learning experience. Upon inspection he found issues with smoke detectors and handrails that were insignificant and other items against the code he could allow (i.e. one furnace, one electrical panel, no fire wall/floor); but the need for egress windows is life threatening. Darrin cannot in good conscience allow renters without an

escape. The Mayor said he never overrules the fire or police departments. Mark Lynne asked Darrin if we will be adopting the 2015 code. Mark cited R310.6 referring to alterations and repairs not requiring those things on pre-existing homes. Darrin said yes and that was a valid point but not applicable to two family dwellings. Almost every council member expressed sorrow over the situation but could not accept that kind of liability on behalf of the city. Dave Williams, a friend of Tessa, asked about being penalized for being honest and pleaded for a variance. The Mayor said our ordinances are complaint driven; we do not look for infractions, but the city contacts known violators and tries to lead them down the road to compliance and safety. In essence, the ordinance is meant to protect people. Darrin will follow up with the 2015 code and get back to the Mayor.

Consider Resolution 2016-03 adopting an interlocal agreement regarding the Creation and Operation of the North Park Police Agency between North Logan City and Hyde Park City: The agreement was already approved, the resolution is a formality. Council member Randall moved that the Hyde Park City Council approve the interlocal agreement. Council member Hurd seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0

Discussion with Lance Anderson from Cache Landmark concerning improvements on 3100 North: Lance handed out a page with budget numbers, including Rupp's bid that came in lower than expected. The Mayor verified everything is included and we are comparing apples to apples. Lance confirmed and said Rupp is awaiting acceptance of this bid to begin. Council member Randall moved that the Hyde Park City Council accept Rupp's bid as given. Council member Christensen seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0

Separately, the overall bid came in lower than expected. Lance proposed going back to COG with the reduced numbers to see if that reduces Hyde Park's portion. Council was concerned the project may end up needing some of the extra funds and asked Lance to inform COG that it may be less than previously thought but put off submitting exact numbers until after the April 11, 2016 COG meeting. Lance suggested another option of using the extra funds for other projects like access to 800 East. Mayor said to get Jeff Gilbert's opinion on how COG may receive that idea. Questioned about our obligation west of the highway, Lance said that is North Logan's responsibility. Mayor asked Lance to return to Hyde Park with new numbers before April 11.

Discussion about the Ashley Court Subdivision: Mayor and Council members Christensen and Flint met with North Logan to discuss the challenges of each city. North Logan's ideas include: 1. Developer puts in the Hyde Park road according to our ordinance; 2. Developer pays water impact fees to Hyde Park and uses our system until North Logan provides hookups; 3. Subdivision uses water from North Logan (Mike Grunig prefers this option); 4. Development Agreement includes all three parties.

Council member Wheeler requested council discussion prior to public input. Council member Wheeler agrees with Mike Grunig that Hyde Park should not provide water for two reasons: 1. the subdivision is not located in Hyde Park City and 2. It adds liability. Why is North Logan

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putting this issue onto Hyde Park? Why did they approve the subdivision without requirements? If Council member Wheeler has it his way, Hyde Park would require the developer to put in the road to the north AND the south.

Council member Flint feels the developer claims zero responsibility to Hyde Park. She emphasized COG money is never guaranteed. If the developer decides to build the road she does not think we can stop him. Hyde Park has a dedicated road to the city boundary.

Mayor said North Logan is not the entity pushing anything.

Council member Randall feels the developer is simply looking to save money by connecting to Hyde Park water. He echoed Council member Wheeler's sentiments as to the question of why this is Hyde Park's responsibility. The developer should be required to build the road to North Logan's 2500 North and get water from North Logan. Once the developer and North Logan see the restricted use, he will have to build the road to North Logan. The road is only 14 feet wide in one place. He recommends putting barricades back up.

Mike Grunig said North Logan is now trying to work with Hyde Park but North Logan cannot force Hyde Park to provide services.

Council member Hurd asked if Hyde Park is moving forward with a development agreement, or if we should limit access to the road again. Hyde Park should turn it back to North Logan, forcing the developer to build the road to 2500 North.

Mayor Cox clarified that last time the council met they were concerned about getting the road built to our standards. Now, council does not want to approve anything. Would Hyde Park consider a development agreement? Council has not been vague on their opinion and asked that Public Works follow the decision made by the council last month to put up the concrete barricades at the south end of 50 East be followed. Our attorney Bruce Jorgensen is strongly against blocking the road.

Citizen Input:

Calvin Jensen (President of Northern Meadows HOA) attended North Logan meetings where North Logan required the developer to work with Hyde Park. He is concerned about the 50 children that live in the area and feels North Logan wants no responsibility except to annex and collect taxes. We do not need their problems.

Ben Jarvis thanked the council for their work on the process and what the Council does. He asked about the Master Road Plan and Council member Wheeler verified the road is planned to go through for continuity in and between cities, which is a good thing. Jarvis feels North Logan gets all the benefit and Hyde Park pays for everything. He also pointed out the address problem of the road going from 600 East in North Logan to 50 East in Hyde Park.

Lora Brimhall asked if the road were widened would it encroach on her property. No.

Renee Savage asked if council had looked into the impact of traffic.

Mike Tullis does not want the road to go through. If the developer builds the road does it run into Randall's backyard? Yes. He asked if it is feasible for the developer to profit if he is required to put in the bridge and road properly.

Kathy Jensen noted the many construction trucks near her home for the building of one home. Imagine the amount of truck traffic for a dozen homes. She appreciates the council listening and even changing their minds on this issue.

Bann Matson asked if Hyde Park could curb and end the road.

All agreed the decision to restrict access puts Hyde Park City at risk of litigation. Council accepts that risk. Mayor believes there is a better way. He asked if we are adversely impacting another city. He will have Mike put the barriers back up at Mike's earliest convenience.

Dan Watkins said the city has rights; North Logan should not shirk their own responsibilities in annexing that land. 50 East is not safe and cannot handle increased traffic.

Council member Hurd requested the Master Road Plan be added to Council's next agenda.

Consider Engineering for the Hyde Park City Water Plan: Council member Randall recommended that the City get all four phases of the City Water Plan engineered now while the cost is cheaper and the City is out of debt. The Mayor asked Scott Archibald what the cost would be for engineering the entire project. Mr. Archibald informed the Council that he was not prepared with that information. Council member Hurd suggested that as the upper canal is being piped, it possibly opens an opportunity for the water to be pressurized off the head gate so it could be available for the homes above the canal to access canal water. Has this been considered? Scott Archibald said that historically canals have minimal fall. The best case scenario is 100' of fall, not enough pressure to reach even the Greystone tank. Council member Randall recommended postponing the discussion. Mayor recommended that the project be considered in phases, as codes or situations change over the years, it is likely the engineering will need to be redone. Mark Lynne recommended that the project be done in phases, where the pond and well would be phase II. Scott estimated the full design cost would be a little over a half million dollars. Council member Hurd loves the idea but desires time to look over the data and cost before voting. The Council requested this discussion be continued to the first meeting in April so they can have more time to look at the plans. Now that Scott Archibald knows the direction and desires he will come back with specific cost numbers.

Recommendations for changes to code 2.100.730 Befouling Waters – Planning and Zoning requested that the City Council review D & E of the code and make recommendations for wording. Council member Hurd said that he doesn't see anything in this code that isn't already covered in the nuisance ordinance and suggested dropping the entire ordinance. The Council would need a public hearing to drop the ordinance. Mark Lynne thinks it is no longer relevant. Mayor asked if our code references this somehow. Melinda responded this *is* our ordinance.

Council member Wheeler suggested deleting C, D and E; make sure A and B are covered elsewhere; if so, delete A and B also. Mayor mentioned North Logan had an incident where there was oil runoff from a street that affected animal water sources. Residents need to manage all drainage. The wording needs to be brought up to current language. Also, if retained, the penalty should be reduced to an infraction (from a class B misdemeanor). Council member Randall said residents must retain it on their own property, not into adjoining property, canal or curb and gutter.

Consider a new Civic Center Rental Agreement: Council member Flint recommended a few corrections to the agreement. In Rules and Regulations section 1, line 2 change the word “of” to “or” and in section 6h change “City Manager” to “staff”. Council member Wheeler felt the letterhead overlapped the wording below. The Council requested the discussion on the agreement be continued to a future Council meeting.

Departments:

Emergency preparedness / City Celebration: Council member Hurd informed the Council that the emergency response exercise was successful. He has been in communication with the LDS church regarding a system to identify and login volunteers with ease. Council member Randall recommended they look at a system that the CART organization uses. They organize the volunteers for missing children and have a system that works very well.

Council member Hurd will come to next City Council meeting with an outline for the City Celebration. He was told to assume that everyone will be in charge of the same responsibilities as in past years. He will talk to Brent Kelly about the parade. The Hyde Park Royalty was selected last week. He asked the Council if the City was accepting sponsorships for the Celebration. He will bring this discussion up next City Council.

Roads: Council member Christensen informed the Council that the road priorities for the coming year are; 1) The Highway to the City shop. 2) Main Street from 50 N – 100 N.

Parks / School District: The Mayor asked Council member Wheeler if he was still pursuing the acquisition of additional property. Council member Wheeler informed the Council that he is waiting until all the agreements are finalized and signed so he can be assured nothing will change. The mayor reminded the Council they need to let Chet Jeppson know when work is going to begin on the new park so he does not spray for farming.

Admin: The Mayor informed the Council that citizens complain a lot about lack of communication. He recommended that the Council only vote on ordinances on the 1st meeting of the month. That would allow time for communication in the newsletter. There may be other things that need to be voted on such as budget etc. If there is no reason to hold the other meeting, the Council will only meet once per month. He encouraged Planning & Zoning to do the same.

Adjourn: 9:38 P.M.

Donja Wright – City Recorder

Council member Randall made a motion to approve the minutes from March 23, 2016. Council member Wheeler seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0.