

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 16, 2016, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Kathleen Bingham, Jared L. Clawson, Paul C. James, Craig L. Rasmussen, and Aaron Woolstenhulme were present.

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

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

WELCOME: Mayor Miller welcomed everyone in attendance and invited audience participation.

PLEDGE OF ALLEGIANCE: Mayor Miller led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember James

APPROVAL OF MINUTES:

The minutes of a regular meeting on June 2, 2016 were approved with the following amendment on page 46, paragraph 2, change "special meeting" to "regular meeting".

ACTION

Councilmember Bingham made a motion to approve the minutes of a regular meeting on June 2, 2016 with the above amendment. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen and Woolstenhulme voted aye. The motion passed.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was FAXED and emailed to The Herald Journal, posted on the Utah Public Notice Website and Hyrum City's Website, provided to each member of the governing body, and posted at the City Offices more than forty-eight hours before meeting time.

Mayor Miller said agenda item "12.B. Certification of annexation petition - Knight Property" needs to be removed from the agenda.

The City Attorney is still reviewing the annexation petition.

ACTION

Councilmember James made a motion to approve the agenda for June 16, 2016 with the above amendment. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

AGENDA

8. PUBLIC COMMENT
9. PUBLIC HEARING:
 - A. To receive public comment in response to a petition filed by Kilgore Companies (AKA Legrand Johnson Construction) proposing the annexation of 3 acres more or less of real property, located between approximately 300 North and 400 North between 1000 East and 1100 East.
10. SCHEDULED DELEGATIONS:
 - A. Steven McKee - To request a Home Occupation Business License at 160 South 400 East for making and repairing leather goods.
 - B. Marianne Hulse - To request site plan approval for a dance studio at 40 West 300 North.
 - C. Stewart Lamb, Kilgore Company - To discuss the conditions and requirements to be included in the annexation agreement for Kilgore Company.
 - D. Troy Kartchner, Rolling Hills Subdivision - To request final plat approval for Phase 3 of Rolling Hills Subdivision located at approximately 400 East 450 South consisting of 10 single family building lots.
11. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND AN ORDINANCE:
 - A. Resolution 16-22 - A resolution accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Kendrick Annexation - 1.56 Acres).
 - B. Resolution 16-23 - A resolution amending the 2015-2016 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets.
 - C. Resolution 16-24 - A resolution establishing the Municipal Certified Tax Rate for Fiscal 2016-2017.
 - D. Resolution 16-25 - A resolution approving and adopting the Fiscal 2016-2017 Operating Budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund, Irrigation Water Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund.

- E. Ordinance 16-03 - An Ordinance amending Chapter 2.12, Section 2.12.010 of the Hyrum City Municipal Code, to provide for adjustments in the salaries of officers and employees of Hyrum City.
 - F. Resolution 16-26 - A resolution setting culinary water rates.
12. OTHER BUSINESS:
- A. Delinquent Utility Accounts.
 - ~~B. Certification of annexation petition - Knight Property.~~
 - C. Mayor and City Council reports.
13. 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.

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

PUBLIC HEARING:

TO RECEIVE PUBLIC COMMENT IN RESPONSE TO A PETITION FILED BY KILGORE COMPANIES (AKA LEGRAND JOHNSON CONSTRUCTION) PROPOSING THE ANNEXATION OF 3 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED BETWEEN APPROXIMATELY 300 NORTH AND 400 NORTH BETWEEN 1000 EAST AND 1100 EAST.

Mayor Miller said Kilgore Companies has filed a petition for annexation for 3 acres of property located between approximately 300 North and 400 North between 1000 East and 1100 East.

ACTION

Councilmember James made a motion to open the public hearing at 6:35 p.m. to receive public comment in response to a petition filed by Kilgore Companies (AKA LeGrand Johnson Construction) proposing the annexation of 3 acres more or less of real property, located between approximately 300 North and 400 North between 1000 East and 1100 East. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

Margaret Pettis said she has concerns about not only the annexation but about the plans for development of the site. Will moving the concrete plant to Hyrum increase traffic, noise, and dust? On

certain days Cache County is listed as an area with the worst air pollution in the Nation. How will the dust and particulate matter be controlled? There are mornings when she can hear large screeching noises coming from the Hyrum Kilgore site. Will additional noise be generated from the concrete plant and if so at what decibel levels and how often? The entrance/exit to Kilgore is on a State Highway but traffic can be very heavy at certain times of the day and there are a lot of students that drive that stretch. Is there a special lane for the trucks to enter the highway on and can the site of traffic be seen far enough to not cause accidents when the trucks are turning left into the Kilgore site. This property fronts the main entrance into Hyrum City and will it help beautify Hyrum or attract new residents or businesses to Hyrum or will it deter these types of uses?

Stewart Lamb with Kilgore Companies said the concrete plant will not increase traffic coming or leaving Hyrum. Currently, trucks bring gravel from the Hyrum site to the concrete plant in Logan. Having the concrete plant at the Hyrum site will eliminate the dump trucks with gravel coming to the concrete plant instead there will be more concrete trucks and less dump trucks leaving and coming from the Hyrum location. Kilgore enters and exits the highway on a road that is constructed to UDOT's standards. He understands the concerns with large construction equipment traffic, however, most of Kilgore's equipment have driving monitors with cameras installed that track speed, location, turning distances, etc. these reports are then sent to corporate offices and if a driver has too many violations that driver is terminated. This equipment has greatly decreased accidents and have improved driver safety. Emissions from the Kilgore site are regulated through air quality and are heavily monitored. The batch plant and concrete plants have very low particulate matter and can qualify for a small source exemption. Kilgore is continually working on ways to reduce noise and lower pollutants. Kilgore wants to be a positive part of Hyrum City and it does have landscaping berms and a clean construction site.

City Administrator Ron Salvesen said Kilgore is submitting another annexation petition that will bring in all of the property it owns near the site into Hyrum City limits. Once this property is annexed the diesel generator it uses at the crusher site will be eliminated and power will be provided by Hyrum City. This should reduce noise and also generate revenue from the power Hyrum City will provide to Kilgore.

Councilmember James said the cement plant is one of the cleanest

operations Kilgore has. By annexing this property Hyrum City will have more control over the noise, traffic, pollutants, etc. because it will be in Hyrum City and not in Cache County. The new High School in Millville will be finished this summer and that will hopefully decrease traffic considerably from students driving from Providence, Millville and Nibley to Mountain Crest.

Mayor Miller asked if there was any further public comment, there being none she asked for a motion to close the public hearing.

ACTION

Councilmember Rasmussen made a motion to close the public hearing at 7:05 p.m. regarding a petition filed by Kilgore Companies (AKA LeGrand Johnson Construction) proposing the annexation of 3 acres more or less of real property, located between approximately 300 North and 400 North between 1000 East and 1100 East. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

SCHEDULED DELEGATIONS:**STEVEN MCKEE - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 160 SOUTH 400 EAST FOR MAKING AND REPAIRING LEATHER GOODS.**

Steven McKee said he has been repairing and making leather goods for over 20 years. He ran his business in Hyde Park for three years and then at the Peterson Country Store in College Ward until it closed down. It has taken him two years to build a shop at his house and now he would like to be able to make and sale saddles, bridals, etc. and even repair boots. He doesn't think there will ever be more than one customer at his house at one time. He will have some items premade, but most of his business will be custom made.

ACTION

Councilmember Clawson made a motion to approve a Home Occupation Business License to Steven McKee at 160 South 400 East to make and repair leather goods. Councilmember Woolstenhulme seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

MARIANNE HULSE - TO REQUEST SITE PLAN APPROVAL FOR A DANCE STUDIO AT 40 WEST 300 NORTH.

Marianne Hulse said she teaches dance lessons and has an opportunity to rent space at 40 West 300 North that will be an

excellent space for a dance studio. The plumbing store has extra space on the East side of its building and will rent her 1,600 square feet for her dance studio. This space will be closed off from the other businesses at the site.

City Administrator Ron Salvesen said Marianne Hulse met with the Planning Commission on June 9, 2016 and it recommended approval of the site plan with no conditions.

ACTION

Councilmember Rasmussen made a motion to approve the site plan for Marianne Hulse at 40 West 300 North for a dance studio. Councilmember James seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

STEWART LAMB, KILGORE COMPANY - TO DISCUSS THE CONDITIONS AND REQUIREMENTS TO BE INCLUDED IN THE ANNEXATION AGREEMENT FOR KILGORE COMPANY.

Stewart Lamb said he included all of the changes into the annexation agreement that the City Council recommended at its last meeting.

City Administrator Ron Salvesen said the City Attorney is reviewing the annexation agreement and looking into the process for the tax incentive.

TROY KARTCHNER, ROLLING HILLS SUBDIVISION - TO REQUEST FINAL PLAT APPROVAL FOR PHASE 3 OF ROLLING HILLS SUBDIVISION LOCATED AT APPROXIMATELY 400 EAST 450 SOUTH CONSISTING OF 10 SINGLE FAMILY BUILDING LOTS.

Dan Larsen said Troy Kartchner was unable to be at tonight's meeting. He is requesting final plat approval for Phase 3 of Rolling Hills Subdivision. There are 10 single family lots in Phase 3.

City Administrator Ron Salvesen said City Staff and the City Engineer have reviewed Phase 3 and is recommending approval of the final plat. A 12" sewer line is being installed for future growth to the south and east. The canal to the east will be piped as in previous phases. The canal was part of the Leo C. Nielsen Subdivision. It is hoped that the piped canal can be used as a walking trail that can be accessed from the Leo C. Nielsen park property.

ACTION

Councilmember James made a motion to approve the Final Plat for Phase 3 of Rolling Hills Subdivision located at approximately 400 East 450 South consisting of 10 single family building lots. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND AN ORDINANCE:**RESOLUTION 16-22 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (KENDRICK ANNEXATION - 1.56 ACRES) .**

City Recorder Stephanie Fricke said the City Council approved Resolution 16-21 that accepted the annexation petition for the Kendrick property. However, the annexation petition didn't include Craig Thornley's signature and since he is the current property owner his signature was necessary for the annexation. Kendrick's withdrew that annexation petition and resubmitted one with Craig Thornley's signature. There are no other changes to the annexation petition.

ACTION

Councilmember Woolstenhulme made a motion to approve Resolution 16-22 accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Kendrick Annexation - 1.56 acres). Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

RESOLUTION 16-23 - A RESOLUTION AMENDING THE 2015-2016 GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND OPERATING BUDGETS.**ACTION**

Councilmember Rasmussen made a motion to approve Resolution 16-23 amending the 2015-2016 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund. Councilmember Woolstenhulme seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

RESOLUTION 16-24 - A RESOLUTION ESTABLISHING THE MUNICIPAL CERTIFIED TAX RATE FOR FISCAL 2016-2017.

ACTION Councilmember Clawson made a motion to approve Resolution 16-24 establishing the Municipal Certified Tax Rate for Fiscal 2016-2017. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

RESOLUTION 16-25 - A RESOLUTION APPROVING AND ADOPTING THE FISCAL 2016-2017 OPERATING BUDGETS FOR HYRUM CITY'S GENERAL FUND, CULINARY WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION WATER FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND.

ACTION Councilmember James made a motion to approve Resolution 16-25 approving and adopting the Fiscal 2016-2017 Operating Budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund, Irrigation Water Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

ORDINANCE 16-03 - AN ORDINANCE AMENDING CHAPTER 2.12, SECTION 2.12.010 OF THE HYRUM CITY MUNICIPAL CODE, TO PROVIDE FOR ADJUSTMENTS IN THE SALARIES OF OFFICERS AND EMPLOYEES OF HYRUM CITY.

ACTION Councilmember Clawson made a motion to adopt Ordinance 16-03 amending Chapter 2.12, Section 2.12.010 of the Hyrum City Municipal Code to provide for adjustment in the salaries of officers and employees of Hyrum City. Councilmember Woolstenhulme seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

RESOLUTION 16-26 - A RESOLUTION SETTING CULINARY WATER RATES.

ACTION Councilmember Rasmussen made a motion to approve Resolution 16-26 setting culinary water rates. Councilmember James seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

OTHER BUSINESS:

DELINQUENT UTILITY ACCOUNTS.

Mayor Miller reviewed the list of delinquent utility accounts. The total proposed write-off is \$5,089.21 for the Fiscal Year 2015-2016.

ACTION

Councilmember James made a motion to approve the list of Fiscal Year 2015-2016 Delinquent Utility Accounts, in the amount of \$5,089.21 as a write-off. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Woolstenhulme said he is working on the arrangements for National Night Out Against Crime. He has been unable to find people that will help with the 4th of July Parade. He asked the City Council if they knew of group wanting to do service to let him know.

Councilmember Rasmussen said Hot Dogs and Hot Wheels was a success. There were fewer cars in years past but it was still well attended.

Councilmember James said the Senior Center Board will have new members that start July 1, 2016. He is finalizing arrangements for the Patriotic Program and the fireworks.

Councilmember Bingham reminded the City Council to bring knives and a cutting board on the 4th of July for watermelons.

Councilmember Clawson said the Hyrum Library's Summer Reading Program Kick-off was well attended. Booth applications are still coming in for the 4th of July.

Mayor Miller said the Youth Council has been busy working in the cabins this summer. There is always a line of people waiting when they open the cabins. She reminded the City Council of the employee luncheon on June 22 at noon on the City Square.

ADJOURNMENT:**ACTION**

There being no further business before the City Council, the Council Meeting adjourned at 8:00 p.m.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: July 7, 2016
As Written