

Minutes of the  
Honeyville City Council Meeting  
for 30, January 2019

The Honeyville City Council met in special meeting on **30 January, 2019, at 7:00 p.m.** in the Honeyville City Hall. Present were: Mary Bingham, David Lee, Boyd Bingham, Dale Millsap, Bruce Nelson and Jeff Sanders.

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

**Invocation** - Mayor Bingham

**Pledge of Allegiance** – Mayor Bingham

**Conflict of Interest** - None noted.

**Business** -

- A. Unresolved Drainage Issues for lot #5 of Windy Poplars 2 Subdivision** - Mayor Bingham sent out information for the City Council to review in advance and Dale Millsap sent out modifications to this information to the Council. Mayor Bingham stated he would like to get this issue resolved and then opened it up to questions and comments from the Council. Mary Bingham stated that she felt that Councilman Millsap's comments on the Mayor's documents that were sent to the Council was having a meeting outside of a meeting and that the City Council should discuss items in an open public meeting together. Dale Millsap stated that any documents that contain opinions or facts is not out of line to share providing information for discussion for the meeting does not go against any law.

Mayor Bingham has issued 3 proposals to review with the Council. Proposal 1 is from the motion in November to regrade the swell on lot 5. Mary Bingham stated that there is not any proof that this is a regrade. Dale Millsap stated the swell was graded per the city design although it wasn't graded until after the Lorimer's had an occupancy permit and the dirt berms were removed. Dale Millsap feels that the city can take some responsibility in grading because the homeowner was allowed to build before the improvements were completed.

Bruce Nelson stated he does not like proposal 1 because the ordinance states that one subdivision can't drain onto another subdivision without easements. It was noted that there are easements in place. Mayor Bingham stated that there needed to be somewhere for the water to drain. Dale Millsap said the city easement along 3600 west has city owned pipe installed which is there for drainage and there is not an easement to drain out of that pipe and that will need to be addressed. There is evidence that the city acted to make the drain line go in and to tie into the drain line in front of Dale Millsap's property. Mayor Bingham said that it is a four inch perforated subservice drain and he was the one that installed it across Dale Millsap's

property. This drain was installed before ordinances were in place. Dale Millsap stated that there was a drain line that was approved by the city that went in more recent and he will go back and review his notes to find out the date. The issue that needs to be resolved is where the water goes once this pipe is full. This predates the subdivision and there had been proposals made to resolve this problem and none were implemented. Mayor Bingham stated that JUB had said that they did not receive all information on the storm drainage system to review.

Mayor Bingham said that proposal 2 comes from January 9 City Council meeting where it was discussed that the eight inch line that starts at Kyle Bybee's property going south and then east where there is a subsurface drain which goes across a portion of Lorimer's and Stumpp's properties then going under the road and draining into Salt Creek. Mayor Bingham said there is not a lot of information on this drain line and Brett Henrie did tie into this line. This proposal would be tying into the eight inch line and that would help to drain the low spot on lot 5. The eight inch drain line is privately owned and would require permission from the owner before tying into the line.

Proposal 3 would be installing a 15 inch drain pipe starting at the southwest corner of lot 5 and going east along the north side of the road arriving at the southeast corner of lot 5 and going under the road connecting to the drainage easement and draining into Salt Creek. This will be expensive and there are issues to consider such as going under the road and utilities. By doing this it will be deep enough that in the future if needed there would be enough of a slope to drain to 3600 West. David Lee said the biggest challenge is finding a solution with where the water will go. All of these proposals would require regrading the swells as intended by the drawings if they have been altered and getting the advice from the engineer on where the best place for the drainage to be solving the problem of getting the water out.

Amy Hugie, City Attorney suggests the City Council find out more information about the lines by sending the engineer finding out who owns the pipes and where they are draining and to propose the where the best drainage would be. Bruce Nelson said his concern is doing the grading is a partial solution and tapping into the eight inch line could be a good solution but it is not known how long it will last. He feels the best solution is to put in the 15 inch pipe but then the problem is who pays for it. There are a lot of entities that are wrong and he feels the city made a mistake and needs to solve it.

David Lee made a motion that we consult with Hansen and Associates and they help us know who owns all these pipes, where they are and where they drain as the attorney has suggested. He would also like them to give us a proposal of where the best place this is to drain to and the cost associated with this and then we can make a decision where this is the engineers job, Dale Millsap second the motion.

Mary Bingham stated that the engineers have all said that we have to follow our ordinances. The drainage plan should have been presented with the preliminary plan. If this was to be done

in two phases it should have been presented with phase 1 and should have included all the property. She stated we haven't followed our ordinances. If this goes to court and we haven't followed our ordinance the city is going to be responsible. Dale Millsap agrees and also believes that a good design and a thorough review was done and that the ordinances were followed with the exception that we allowed the grade not to be achieved in front of Lorimer's. Additionally, we allowed the home on lot 5 to be dug too low where we had information on documents to attempt preventing the builder from doing that. As the city moves forward trying to correct this by restoring things to the way they should be it is a defensible action to take.

Bruce Nelson stated his opinion of grading from the northeast end of lot 5 and allowing the water to flow to 3600 West was not a good design. The design that was approved wasn't executed correctly and the best design is to drain from lot 5 to Salt Creek. Mary Bingham said that Chris Wight had said that the only mistake that was made was not putting a large enough pipe under the road to carry the amount of water. The water needs to be contained following our ordinances. She said there has not been any drainage plan presented and that the developer said that the water will go by the road and hit the easement and go to Salt Creek. There is an easement that is on Dale Millsap's property. At the time that Lorimer's built their home there was not a right of way; it was a 22 foot wide private gravel road. This road was owned by the developer until it was deeded to the city.

David Lee stated he agrees with Bruce Nelson which is what he said in his motion that we look at the best place to have the drain, to grade it and that the process wasn't fully sound to get the water where it needed to go and that we need to have the engineer tell us the best plan. Mayor Bingham stated he spoke with Clayton Grover getting his opinion and he said that because of the slope to Salt Creek there is a lot of depth of dirt and lots of linear feet it will drain easily. The engineer needs to be the one to tell us how the drain should be installed.

David Lee stated his motion still stands that we have the engineer tell us where the best place is for the pipe to go, where the grading should be and who owns all the pipes, Dale Millsap second the motion. Mary Bingham stated that proposal 1 will create problems for the city and that Jim Flint had said it wasn't a good plan. Mary Bingham stated she likes proposal 3 because the water is being drained and there are no easements and there isn't a swell along 3600. It is a subdivision and it changes the use of the land and the ordinances were not followed. Bruce Nelson stated he likes proposal 3. David Lee stated that was what his motion was for, proposal 3. Dale Millsap stated that portions of proposal 1 will need to be implemented with proposal 3. Each lot is partially sloped from east to west and we will have to grade additionally. David Lee restated his motion to make sure that our engineer who can help us determine whose pipes are whose, because we don't know that still and approve to put in a 15 inch ADS smooth pipe and proper grading that the engineer says to get the water to drain to Salt Creek. Dale Millsap suggests that the detail of the size of pipe should be left out of the motion because we don't know what the engineer is going to require.

Karla Stumpp stated that Dale Millsap had said he was tied into the eight inch line. Dale Millsap stated he did say that and then clarified it with the developer and engineers that he was not tied into it. There could be as built documentation at Hansen and Associates office. There is no as built documentation of the line on lot 5 being tied into the eight inch line. She asked if when the roundabout was taken out was it regraded to preplanned status. It was stated by Troy McNeely that it was because he inspected it. Karla Stumpp stated that installing the 15 inch pipe and doing what the engineer says she is fine with that. David Lee stated that his original motion was exactly what he wanted it to be. He wants the engineer to tell us who owns the pipes and where they are and to tell us the proper grade for the area and the proper size the pipe should be. Bruce Nelson asks how extensive of a search of the pipes do they want. David Lee stated that the engineer should already have most of the information in their office and they can submit the documentation they have to us to review. The city engineer will tell us what will be best based on proposal 3 and if they have an alternate recommendation then we will take that. David Lee said his motion still stands he hasn't changed it. Motion passed 5 - 0.

Mayor Bingham recommends getting in touch with Hansen and Associates quickly and so we can start this process and get bids. Bruce Nelson will be in contact with Hansen and Associates. There was \$6,000 held in escrow for the Keller's to pay that much towards the project and the city pay the rest. Bruce Nelson said he feels the Keller's met all requirements except for the grading and feels they should at least pay for the cost of grading which was \$3,650.00. Bruce Nelson will speak with Sid and Eva Keller about this. Bruce Nelson stated that he will see if he can have a proposal by February 13, 2019.

- B. Karla Stumpp - Drainage Issues for lot #5 of Windy Poplars 2 Subdivision** - She gave her comments above and has nothing more to say.

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

Adjournment at 7:59 p.m.