

Hyde Park City Council Meeting
113 East Center Street
Hyde Park, Utah

September 25, 2019

The Hyde Park City Council meeting began at 7:00 and was conducted by Mayor Flint.

City Officials Present: Mayor; Sharidean Flint Council members; Brad Robinson, Charles Wheeler, Bret Randall, Gerald Osborne, and Mark Hurd. Interim Police Chief; Ulysses Black, Fire Department Representatives; Jeremy Hunt and Brian Potts, and Planning Commission Secretary; Melinda Lee.

Others Present: Mark Lynne, Shannon Rhodes, Karl White, Kirk Brower, Tiffany Atkinson, Brandon Buck, Former Mayor Bryan Cox, Danielle Winborg, Jeremy Winborg, Blake Dursteler, and Thayne Braegger.

Prayer or Thought: Mayor Flint

Pledge of Allegiance: Council Member Robinson

Adoption of Agenda: Mayor Flint recommended moving David Zook's presentation forward in the Agenda, right after the Winborg road discussion. Council member Osborne made a motion to approve the agenda for September 25, 2019 as amended. Council member Wheeler seconded the motion. Council members Robinson, Wheeler, Randall, Osborne and Hurd voted in favor. The motion carried 5/0.

Citizen Input: No Input

Consider closing the road by the Winborg property 776 East Canyon Road (Jeremy Winborg) – Mayor Flint explained the request from Jeremy Winborg to close Canyon Road to the north of their property. Now that a paved road exists at 900 East, most cars use that, but a few cars per day still use this narrow, dirt road, bordering a ravine. It is especially dangerous during winter months with a few cars sliding off each season. Mike Grunig of Public Works plows the snow each year into a 'wall' to 'catch' cars, but slide-offs still occur. Mike said it turns to a sheet of ice every spring. Mayor Flint noted the fire department approved the hammerhead driveway, and the property owners agree to keep the road plowed of snow.

Council member Wheeler proposed to close it to motorized traffic, but allow pedestrians, horses, and bicyclers to use it as a "limited access" road/trail.

Council member Robinson did not believe the city should relinquish an established right of way. He compared the closure to 50 East and noted there are three parameters set by the state which the city must meet. He acknowledged the owner's

desire to close the road; many want to live on a private cul-de-sac. He asked if this road is on the Master Road Plan. Council member Randall was against closing it. Mayor Flint pointed out it would be expensive to make it a safe, legitimate road someday.

Council member Randall said even with additional information he is uncomfortable closing the road and made a motion to deny the request.

Jeremy Winborg was allowed to speak. He noted the reasons were a safety issue - the road is narrow. Years ago, Mayor Kooyman told him this road was not on the Master Plan. Jeremy requests the road be open for horses, walkers and bikers. He pledged to take responsibility for the snow removal. He clarified the number of vehicles slide offs to be 6-10 per year. He urged council members to continue discussing this. He wants it closed.

Council member Hurd asked about public utilities. When asked, NPPD Interim Chief Uby said the road is “non-essential” to law enforcement. The police department would not use this road as access. He also confirmed (1) There are speeding issues on this road, (2) It is narrow and (3) There is a drop-off.

Council member Robinson said the road cannot be closed; he wants a traffic study done to justify the possible closure; turning snow removal over to residents creates a liability. He seconded the motion to deny the request to close the road.

Mayor Flint will ask the attorney about a “trail” vs. a “road” and possibly ‘abandoning’ the road. Council member Robinson asked for clarification on the Mayor’s statement - closure or abandonment? Those are two very different issues.

Council members Robinson, Wheeler, Randall and Hurd voted in favor. Council member Osborne voted against. The motion carried 4/1.

Presentation by David Zook: City Managers and City Administrators

At the end, he answered a few questions posed by Mayor Flint and others.
(8:45 p.m. - 5 minute break)

Discuss options for the Dursteler property – parcel 04-034-0051 (Tamra Dursteler) Tamra’s son, Blake Dursteler, spoke on behalf of his parents’ property. He again asks City Council what options they have for development on this “nonconforming” parcel. Council member Randall said we need to add a small part to our ordinance allowing building to happen on this lot and others just like it. Council member Hurd said that’s a “slippery slope” accepting all building on all nonconforming lots. Mayor indicated the owners purchased the lot thinking they could build on it. Mark Lynne spoke on behalf of other similar lots throughout the R-1 zone, including the one adjacent to this one. Some have homes and want to re-build. Back in 1955, 7 lot owners gave 55% of their lots to their children. More

allowance or clarification is needed. Council member Randall said that is a different discussion. This lot has water and sewer available. This is density and a prime opportunity. 'Spot zone' or whatever, but stop talking and do something. Mayor agreed – the city is trying to add density and building a home here will be “better than a weed lot”.

Council member Robinson agreed, but wants to expand the scope, identify all spots and delineate them as 'legal', buildable. Include empty lots along with those already built upon, instead of offering “amnesty every 20 years”.

Council member Randall made a motion for PZ to prepare an ordinance listing which lots are nonconforming, whether built upon or empty, and allow building, without a change in the required setbacks. Council member Robinson seconded the motion. Council members Robinson, Wheeler, Randall, Osborne and Hurd voted in favor. The motion carried 5/0.

(9:08 p.m.) **Public Hearing to Consider Ordinance 2019-13 – An Ordinance amending Section 12.150 - Senior Planned Unit Development.** Opened and closed without comment.

Consider Ordinance 2019-13 – An Ordinance amending Section 12.150 Senior Planned Unit Development. Council member Robinson recommended adding (at 12.150.060 “N”) “minimum” to the 6 foot fence requirement. Also, to account for corner lots, most wanted to simply reference the fence ordinance. Council member Robinson suggested, Fencing. A perimeter minimum 6 foot privacy fence will be installed, “[except] on corner lots or other areas where the requirement of the fencing ordinance applies, that is shorter than 6 feet.”

Council member Osborne asked what the thought process was regarding the 1200 and 1800 foot separation distances. The Planning Commission was uncomfortable with the 0/600 foot separation distances City Council directed at one time. Council member Robinson asked if a hot spot radius mapping was done. Mark Lynne did multiple radius drawings. Those were pulled up for all to see:

<u>At separation</u>	<u>- # PUDs in the city</u>	<u>or</u>	<u># additional PUDS</u>
1800 feet	- 10 total		5 more
1200 feet	- 15 total		10 more
600 feet	- 17 total		12 more
0 feet	- 20 total		15 more

Council member Robinson suggested 600 feet. Most felt the additional 2 PUDs (from 600' over 1200') was not substantially more and was in favor of his recommendation.

Council member Hurd pointed out the major difference (12.150.060 “F”) in having all “public roads” vs. “private roads”. He noted City Council did not make that

request, only a public right of way. Public roads add liability. Mike Grunig said the ordinance is 'going the wrong way' if we are trying to reduce liability. He wants to stop all services at the outside gate and turn over all responsibility to the PUD. Mayor Flint said HOAs cannot afford all that responsibility. Council member Robinson argued proper HOAs are able to fund large projects. Mike acknowledged the new 50 foot right of way addition to city Regulations was plenty wide to plow snow and repair roads.

Council member Robinson made a motion to accept the PZ prepared draft with the following changes:

1. Change section E from 1200 feet to 600 feet.
2. Amend section N as proposed above (minimum 6 foot fence where it does not contradict the fence ordinance).

Council member Randall seconded the motion. Council member Osborne indicated he likes the 1200 foot separation. Council member Wheeler said it applies only between unlike PUDs. The city is trying to achieve density, this should not be "unbearable" to residents, and it is better for city finances. Council member Osborne asked Mark Lynne's opinion (and as discussed at length in Planning Commission meetings). Mark Lynne said he was okay with 600 feet; he agreed with Council member Wheeler's reasoning.

Council members Robinson, Wheeler, Randall, and Osborne voted in favor. Council member Hurd voted against. The motion carried 4/1.

(9:43 p.m.) **Public Hearing to Consider Ordinance 2019-14 – An Ordinance outlining requirements for a Planned Unit Development for all ages.** Opened and closed without comment.

Consider Ordinance 2019-14 – An Ordinance outlining requirements for a Planned Unit Development for all ages. This ordinance is identical to the Senior PUD just approved, less two requirements:

1. 55+ age restriction
2. Sign requirement stating the name of the PUD and the age restriction

Council member Randall made a motion to approve this PUD as discussed. Council member Robinson attempted to second the motion, clarifying the same amendments made to the Senior PUD would apply here. Council member Randall withdrew his motion. Council member Robinson made the motion just stated with the two amendments from the previous (Senior PUD) discussion:

1. Change section E from 1200 feet to 600 feet.
2. Amend section N as proposed above (minimum 6 foot fence where it does not contradict the fence ordinance).

Council member Randall seconded the motion. Council members Robinson, Wheeler, Randall, Osborne and Hurd voted in favor. The motion carried 5/0.

Public Hearing to Consider Ordinance 2019-15 – An Ordinance amending section 12.30.80 Fence Height Regulations. Opened and closed without comment.

Consider Ordinance 2019-15 – An Ordinance amending section 12.30.80 Fence Height Regulations. All appreciated the graphic addition created by Mark Lynne and encouraged him to label it and sign his name to it. The amendment:

1. Combines fence ordinances from two places in the code to one place.
2. Removes the “Conditional Use” from corner lot fences.

Council member Robinson made a motion to approve this amendment as presented by the Planning Commission, including the graphic. Council member Hurd seconded the motion. Council members Robinson, Wheeler, Randall, Osborne and Hurd voted in favor. The motion carried 5/0.

(9:55 p.m.) **Departments:** Mayor Flint suggested ending the meeting and doing Departments later. Council member Robinson disagreed; he stated he only has four meetings left as a City Councilman and he wants to discuss the possibility of a City Manager/Administrator tonight.

Discuss addition the position of City Manager / Administrator. Council member Robinson expressed his reasoning for hiring a City Manager/Administrator:

- HB163 – Using city-owned cell phones for personal use. We currently have people breaking the law in the city.
- Another law regarding ‘backflow preventers’, city required to have annual re-certification for anyone using culinary water on their lawn.
- At population 5,000 or above, additional regulations to the city.

He said these three matters alone justify the cost of an administrator. Additionally, in the case of the possible road closure discussed earlier, an administrator could keep track of advice already paid for from our attorney, instead of incurring that cost again. Council member Robinson is a big proponent of moving forward. Mayor Flint said she is not opposed, but reminded him three new City Council members are coming in January and they can un-do anything done this year. Council member Randall said the only way the city moves forward is with a City Manager/Administrator. He recommends we begin with Nibley’s ordinance and review it to apply to Hyde Park City. Council members were uncertain if Nibley has the same form of government as Hyde Park City. Mayor Flint agreed to sit down with David Zook and start a document. She will be in France next Council meeting. Council member Robinson wants a Public Hearing next meeting anyway. The others agreed the public hearing can wait until the October 23 meeting. Mayor Flint will begin an ordinance and put it into box.com no later than October 4 for all to review at the October 9 meeting. The agenda item was continued.

Meeting adjourned: 10:20 p.m.

*Hyde Park City
Council Meeting
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Donja Wright – City Recorder

Council member Robinson made a motion to approve the minutes from September 25, 2019 as presented. Council member Robinson seconded the motion. Council members Robinson, Wheeler, Randall, Osborne and Hurd voted in favor. Council member Robinson abstained. The motion carried 5/0.