

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

September 9, 2020

City Council

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

City Officials Present: Mayor; Sharidean Flint, Council members; Stephanie Allred, Charles Wheeler, Karl White, and Brandon Buck. Recorder; Donja Wright, and Police Chief; Ulysses Black. Council member Gerald Osborne was excused.

Others Present: Mark Lynne, Mark Hurd, Scott Archibald, Sara Krebs, Von Krebs

Thought / Prayer: Council Member Allred

Pledge of Allegiance: Council Member Buck

Adoption of Agenda: Council member Buck made a motion to approve the agenda for September 9, 2020. Council member Wheeler seconded the motion. Council members Allred, Wheeler, White and Buck voted in favor. The motion carried 4/0.

Minutes: Council member Wheeler made a motion to approve the minutes from August 26th as amended. Council member White seconded the motion. Council members Wheeler and White voted in favor. The motion carried 2/0. The Council made another amendment to the minutes. Council member Wheeler made a motion to approve the minutes from August 26th as amended. Council member White seconded the motion. Council members Wheeler and White voted in favor. The motion carried 2/0.

Citizen Input: No Input

Final Report on the 80 acre BLM Land (Mark Hurd) – Mark Hurd approached the Council and informed them that he is giving the final report on the acquisition of 80 acres of BLM land. The land was owned by the US Government. After many months of work, congress approved the transfer of the BLM land to Hyde Park City. The City received the final patent and it has been recorded. The land may be used for public recreation or other public purposes only. The land can't be subdivided or sold to any other entity. The City will need to annex the property into the City boundaries. Hyde Park Canyon road is the public access to the properties surrounding the land

therefore; the road can't be closed. Council member White made a motion to formally thank Mark Hurd for his efforts in securing the land. Council member Wheeler seconded the motion. Council members Wheeler, White, Buck and Allred voted in favor. The motion carried 4/0.

Public Hearing to discuss the Hyde Park Environmental assessment for the two-million-gallon water tank, transmission line, distribution line, dedicated pumping line and two booster pump stations. The Mayor opened the public hearing. There was no input. The Mayor closed the public hearing.

Discuss the Hyde Park City Master Road Plan 200 south and 800 East. (The Council will need to hold a public hearing before considering the changes). The Mayor informed the Council that she had a discussion with UDOT and the County. During the Conversation, both UDOT and the County recommended that 200 south continue all the way to the highway to give businesses and residents better access. Council member Wheeler said that it will necessitate a round-about on 200 south and the CMPO road. The CMPO road is a collector road that is not meant to be stopped on.

The Council discussed the road on 800 East approximately 100 south, from the Champlins property to the Krebs property. The Council was sent an agreement that shows that 800East was intended to be on the master road plan. Council member Wheeler explained that the concept plan presented when the Krebs spilt their lot shows a road along 800 East to the Krebs property. Council member Wheeler will send the concept plan to the Council. The Council decided to proceed with a public hearing to consider the two additions to the Road Master Plan.

Consider automatic door locks for the City Building - The Mayor informed the Council that she talked to Jeff Young, Hyde Park City IT and Richmond City Mayor. Their City has electronic door locks with security cameras. They are very happy with the system they have and highly recommend it. The City received \$280,000 in CARES funding. Jeff Young will be coming in a few weeks to outline a plan for improving the City's equipment in order to be better equipped to work from home. Some of the cares act funding may be able to be used to install electronic doors. It is a good time to consider the electronic doors because both upstairs exterior doors need to be replaced. Mark Hurd shared his concern that many people do not leave at midnight and need a reminder to leave. Scott Archibald recommended using some of the CARES funds for the GIS program. Scott said the City could consider a backup generator, or improvements to the City building as the command center. Scott will have someone from his office look at what it would take to get a backup generator. He recommended tying the generator to the SCADA system so it exercises the generator once a month.

Consider the following Policies and Forms: As part of a fraud risk assessment plan, the Utah State Auditor's office recommended the following policies.

- 1) **Credit Card Policy:** Council member Buck informed the Council that Zions Bank has an App that will help everyone with their receipting. The Council accepted the Credit Card Policy
- 2) **Fraud Hotline Policy:** The Council was in favor of the policy but feel's that there needs to be a different contact for the hotline. Donja will check with Diana Cannell from Allred Jackson to see who would be a good person for a contact. The Council accepted the Fraud Hotline Policy
- 3) **Cash Receipting and Deposit Policy:** The Council accepted the Receipting and Deposit Policy
- 4) **Procurement Policy:** Council member Wheeler requested a form that includes all of the requirements for invitation to bid. The Council accepted the Procurement Policy.
- 5) **Ethical Behavior Pledge Form:** The Council was in favor of having the elected officials and City staff sign this pledge.

Departments:

Youth Council: Council member Allred informed the Council that the Youth Council is organizing an event at the new 600 south park to help pick up rocks. The event will start at 10:00 am Saturday morning, the Community is invited and there will be prizes. The Council recommended a Parlant message about the event.

Council member Allred informed the Council that the BLM will not participate in the cost of the larger pond on the recently acquired land.

Parks: Council member Wheeler informed the Council that the park is moving along. The City purchased grass seed. The building department did not complete the permit for the restroom so the construction of the restroom has been put on hold. A Priest Quorum group will plant some trees and the sprinkler contractor will be drilling seeds into the ground. The play structure is being shipped on the 21st of Sept.

Stormwater: Council member White gave the Council an update on a meeting that was held on September 3, 2020 to discuss Ground Water / Storm Water issues in and around the Hurren Meadows Subdivision (detailed summary from meeting attached).

The cost of the project to clear up the storm water issues will be approximately \$20,000. The City Council was unanimously in favor of fixing the storm water issues as outlined in the attached meeting summary.

A separate issue in the same area is seepage. Rick Wosnik recommended lining the canal with plastic to see if that stops the seepage issue. Scott Archibald said it would cost approximately \$5,000 for materials and installation to line the canal with plastic. Mark Hurd informed the Council that the canal company had a study done on the canal and there was only 30% seepage from Logan River all the way to the IHC Instacare. He recommended grouting the new pipe on 3100 N and see what happens next year. The canal will be turned off by October 1st. The Council discussed that the seepage isn't really a City issue and if the City fixes the issue for this neighborhood, will it set precedence for all of the other neighborhoods with similar issues?

Council member White informed the Council that there are 3 different ordinances that address pumping water into the storm water system. The City needs to consider if they want to allow citizens to pump ground water into the storm water system. The Council discussed the option of not allowing basements in certain areas of the City, or requiring home owners to sign an agreement accepting the risk.

Council member White recommended having a hydrologist come and look at the water issues.

Police Commission: Council member White informed the Council that the Police Department hired 7 new replacement officers. They were all sworn in at the last Police Commission meeting.

Administrative: Mayor Flint informed the Council that a company contacted her with an offer to purchase the cell phone tower by Lee Park. They are willing to buy the tower for \$250,000. The Council thought it may be short sighted to sell it. The City has the potential to make more money by keeping it. The Council discussed the current contract. Donja will send a copy of the current contract to the Council. The Council requested that the discussion be added to the agenda again next time

Adjourn: 9:20

Donja Wright – City Recorder

Council member Wheeler made a motion to approve the minutes from September 9, 2020 as amended. Council member Allred seconded the motion. Council members Allred, Wheeler and White voted in favor. The motion carried 3/0.

Summary of Meeting on September 3, 2020 to Discuss Ground Water/Storm Water Issues in and around the Hurren Meadows Subdivision

On Thursday, September 3, 2020 the following people (listed in alphabetical order of last names) met at the Hyde Park City Offices to discuss the stormwater and ground water situation that is affecting the homes along 100 West in Hyde Park.

1. Scott Archibald
2. Evan Campbell
3. Mike Grunig
4. Steven Gunnell
5. Brett Knight
6. Audrey Lowder
7. Mike Lowder
8. Daniel Watkins
9. Karl White
10. Rick Wosnik

At the beginning of the meeting it was noted that whenever there is water in the canal east of this area, there is a lot of ground water seeping up in most of the houses in the Hurren Meadows subdivision which is on 520 South, east of 100 West. Many of the homeowners are using sump pumps to keep the water out of their basements. The water from the sump pumps is being discharged into the gutter or onto their lawns. That water runs westward and goes into the detention basin on the Lowder property or into the City's storm water system.

We reviewed the preliminary plat, final plat, and the construction drawings for the Hurren Meadows subdivision and established that:

1. The preliminary plat shows a detention basin on the Lowder property, and a detention basin on the Campbell property (which was later sold to Gunnell).
2. The final plat that was recorded with Cache County does not show a detention basin on the Lowder property and the Campbell/Gunnell property is not marked on the plat because it was not part of the Hurren Meadows subdivision. It should be noted that at the Lowder's request on June 5, 2018, the shape of the detention pond was changed and approved, by the City but the volume of the pond remained the same.
3. The construction drawings clearly show a detention basin on the Lowder property with a volume of 9,466 cubic feet and an outlet elevation of 4454.2 feet and an existing pond on the Campbell/Gunnell property that would be expanded to a volume of 18,460 cubic feet with an overflow elevation of 4454.2 feet. The drawings show that the detention basins on Lowder and Campbell/Gunnell properties are connected by a pipe. Daniel Watkins and

Stephen Gunnell noted that since these construction drawings were not recorded with the county and were not referenced on the final plat which was recorded, the features on the construction drawings could not be enforced. Rather than argue that point, we decided to discuss whether we could identify other solutions that would ameliorate the current ground water problems and still meet the requirements of the City's storm water system.

4. Related to the ground water/storm water issue in the Hurren Meadows subdivision is the fact that Rick Wosnik owns property on the west side of 100 West and is interested in these issues because if the storm water system works like it is depicted on the construction drawings, the storm water would be piped under 100 West from Gunnell's property and carried by a ditch or a pipe along the south side of Wosnik's property to the west. Several years ago, Rick remembers that he was promised by the Mayor that the City would reimburse him for the pipe that he put in that ditch to carry any storm water to the west. The cost of the pipe was about \$3,700. Neither he nor the city has any written documentation of that agreement. Rick is particularly concerned about being sure that he has no liability if there were a serious storm event that overwhelms the existing storm water system.

After much discussion, the following agreements were reached:

1. Hyde Park City will sign a document to be prepared by Daniel Watkins in which the City agrees that Rick Wosnik and Stephen Gunnell will be held harmless if the City's storm water system malfunctions or doesn't have enough capacity in this area.
2. Hyde Park City will reimburse Rick Wosnik up to \$4,000 for the cost of purchasing and installing the pipe along the south side of his property. The City will also extend the pipe along the south boundary of Rick Wosnik's property to connect to the existing storm water system on 200 West. It was noted that the City already has a 20 foot Public Utilities Easement in the same place where the pipe/ditch is now which was agreed to when the sewer line was installed.
3. Stephen Gunnell will provide an easement to Hyde Park to install an underground pipe that runs across his property and connects to the storm water drain on 100 West (Daniel Watkins will draft this document). This will allow an outlet to the detention basin on Lowder's property and will mean that Hyde Park City agrees that Gunnell does not have a detention basin on his property. The City Engineer (Scott Archibald), the Public Works Director (Brett Knight) and Gunnell agreed to go to the Gunnell property immediately following this meeting and confirm that it was practical to install such a pipe.
4. The above agreements will not solve the ground water problems that home owners are experiencing in the Hurren Meadows subdivision. The City Engineer is exploring options to significantly reduce the amount of ground water that needs to be pumped to keep those basements dry. The City is also seeking clarification from the City's attorney about whether City Ordinances (15.50.060, 11.30.320,

- and 11.30.240) prohibit homeowners from pumping ground water into the gutter which ends up in the stormwater system. Some of the ordinances suggest that such pumping might be prohibited. However, ordinance 15.50.060 includes a phrase, “The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited **except as described in the MS4 Permit**” (emphasis added). Section 1.2.2.2 of the MS4 (Municipal Separate Storm Sewer System) permit states that certain “non-storm water discharges do not need to be addressed” and lists Rising ground waters, Uncontaminated pumped ground water, and Water from crawl space pumps, as examples. Even if the attorney decides that pumping ground water into the gutter is prohibited by City ordinance, we do not plan to enforce those ordinances during the remainder of this year so that we have time to solve whatever is causing so much ground water in this particular area.
5. Rick Wosnik noted that the most likely cause of the ground water that is causing problems is seepage from the canal to the east of the Hurren Meadows subdivision. According to Rick, the canal company has considered piping that portion of the canal and that may solve the ground water problem. However, piping the canal won’t happen for at least a few years. In the meantime, Rick suggested that we try lining the canal with plastic sheeting to see the ground water problem goes away. He believes this could be done relatively inexpensively. The City Engineer agree to explore this possibility, but noted that it couldn’t be done while there was water in the canal.

Please let me know as soon as possible if you would like any corrections to this summary. I think we made excellent progress during the meeting and I am optimistic we will be able to find satisfactory solutions.

Karl White
(435) 881-6642
Hyde Park City Council Member