HYDE PARK CITY COUNCIL MEETING  
113 EAST CENTER STREET  
HYDE PARK, UTAH  
MARCH 13, 2013

The Hyde Park City Council meeting of March 13th, 2013 began at 7:00 p.m. and was conducted by Mayor Bryan Cox.

City Officials Present
Mayor Bryan Cox, City Council members; Robert Christensen, Brent Kelly, Mark Hurd, Bret Randall, and Carol Johnson, Planning and Zoning members; Mark Lynne, and Mike Balls, North Park Police Chief Kim Hawkes and City Treasurer Susan Balls.

Others Present
Mike Clark, Todd Beutler, Mark Daines,

Prayer or Thought – Mayor Bryan Cox  
Pledge of Allegiance – Council member Carol Johnson

Adoption of Agenda – Council member Carol Johnson moved that the Hyde Park City Council approve the agenda for the March 13th, 2013 Hyde Park City Council meeting as presented. Council member Brent Kelly seconded the motion. Council members Christensen, Kelly, Hurd, Johnson and Randall, voted in favor. The motion carried 5-0.

Citizen Input – No Citizen Input.

Presentation by the Child and Family Support Center – Child Abuse Prevention Month Proclamation.  
Mike Clark addressed the City Council representing the Child and Family Support Center. The Child and Family Support system has been functioning for 30 years. Their mission is to strengthen families and protect children. He showed a short video that illustrated that each person can make a difference in preventing child abuse. Mr. Clark asked for a volunteer to be a liaison between Hyde Park City and the Child and Family Support Center. Council member Carol Johnson volunteered to be that liaison.

Mayor Cox read a proclamation declaring April 2013 as Child Abuse Prevention Month. Mr. Clark said that several events were planned for the month of April. There would be a run, benefit auction and dinner, etc. On April 2, the CFSC will have a public reading of the proclamation by First Lady Jeanette Herbert. At that time there will be displayed 214 pair of shoes, representing each case of child abuse in Cache Valley in 2012 on the courthouse steps.

Mayor Cox asked about funding for CFSC. Mr. Clark indicated that the CFSC is surviving, not thriving. Much of their funding comes from grants. They are still able to run their crisis nursery. They have had to eliminate some of the abuse prevention classes and will possibly be losing some personnel. There is always a need for donations of time, money and some items of food, office supplies etc.
Council member Brent Kelly made a motion to adopt the Proclamation to declare April as Child Abuse
Prevention Month. Council member Bob Christensen seconded the motion. Council members
Christensen, Kelly, Hurd, Johnson and Randall, voted in favor. The motion carried 5-0.

**Presentation by Mark Daines about the Cache Valley Transit District – Reappointment as the Hyde
Park City representative to the CVTD.**

Mark Daines gave the council a few facts about the Cache Valley Transit District. Their ridership is up by
1.8% over the last year and Para transit (special needs capability) was up 5.5%. Mr. Daines indicated
that 80% of the riders were employed full time, part time or students. There are not a lot of retired
riders. Mr. Beutler said that the summer citizens love the transit system.

Bret Randall mentioned the prior tax increase that was defeated and asked if the CVTD would again
request a tax increase. Mr. Beutler said their board is studying the issue and will make a decision as to if
and when they ask for a tax increase. Bob Christensen asked if they were considering a move from
diesel to CNG. Mr. Beutler said that the board is also studying that issue. They have done some testing
and found that their diesel buses put out about the same amount of fumes as the average car. They will
continue to research this issue and will most likely be using some buses with CNG in the future.

The Council complimented Mark Daines on the great job he does representing Hyde Park on the CVTD
Board. Bret Randall made a motion to approve the reappointment of Mark Daines as the Hyde Park
Board member of the Cache Valley Transit District. Brent Kelly seconded the motion. Council members
Christensen, Kelly, Hurd, Johnson and Randall, voted in favor. The motion carried 5-0.

**Administration**

Mayor Cox said that the property owner of the lot at 183 East Center had contacted him questioning
what they can do with the lot. The Mayor had recommended that she return to the seller and ask him
to take it back. She didn’t want to do that. Brent Kelly asked if the lot was created illegally and changed
by the County, doesn’t the title company or the county have a responsibility. Could the City now go to
the county and tell them that this lot does not conform to the ordinance? Mark Hurd suggested that
the city somehow flag the corner lot and this lot as non-conforming lots. The Mayor wondered if it
would be beneficial to again look at a spot rezone for a LEED home on this lot.

Mayor Cox told that Council that he attended the Cache County Council meeting with the Cache School
District when they discussed the BOR land. Cache County will have an audit of the BOR land usage in
2014. The land is required to be recreational property. They could be non-compliant. The School
District has proposed to build a High School on 29 acres of the property with a football field. They would
then purchase other property to replace the BOR land. There is also 24 acres to be used for soccer,
softball and lacrosse fields. The School District would enter into a Memorandum of Understanding for
maintenance and usage between Hyde Park, North Logan, and Cache County. This could be a win/win
situation for North Logan and Hyde Park because it would take several years to build the sports and
recreation facility on their own. Brent Kelly asked if this was the best use of the land. This could be
prime commercial property. A school brings in no businesses and there is no tax base. It could bring in
residential and with that comes needed infrastructure and maintenance. Is this best for the City? How
wise is it to build a High School on the CMPO road? Councilman Kelly also had suggestions for moving
the equestrian facility to the mouth of Hyde Park Canyon, the mouth of Green Canyon or on the Beatrice
Balls property. Mayor Cox asked Bret Randall and Bob Christensen to attend a meeting with the School District, Cache County, and North Logan on Friday, March 15 at 9:00 a.m.

The Mayor brought up the development agreement with Kent Balls. Kent sent a letter to the Mayor requesting the ability to develop with a proposal to waive many requirements. The Mayor sent the letter on to the Land Use Authority. A development agreement was written that required the developer to comply with all city ordinances and regulations. Kent met with the LUA to discuss the agreement. Councilman Bob Christensen, Councilman Bret Randall and Mayor Cox participated in the discussion with the LUA. It was left up to Kent to decide if he wanted to take this agreement and move forward. He has signed the agreement.

Brent Kelly asked why the city was installing the sewer on the proposed 600 South road. He understood that other developers are required to put in the infrastructure.

Bret Randall explained that Kent has no plans for subdividing the property. He wants to build one house on it. The 600 South road is on the Master Road Plan. In lieu of purchasing the property and in order to meet the need of servicing other residents on 50 East, the city would put the sewer up 600 South on the city’s time frame. Bret informed the council that over the last several years the city has paid more than $110,000 to buy rights of way for roads. There is no plan to put in the road, just obtain the right of way. The developer will need to put in the road improvements.

Mike Balls said that the LUA had looked at the cost to purchase the right of way vs. the cost of the sewer. The numbers were very equal and actually more favorable to the City. Brent Kelly said ordinance requires the developer to put in the infrastructure.

Bret Randall said that in his opinion the ordinance is unfriendly to landowners who want to build one house on a large parcel. In Kent’s case, he happens to have land designated years ago by the City to require a road go down the south side of the property. He would be required to put in a $150,000 road, curb, gutter and sidewalk. And unless he phases the development, it must all be done before he can build a house. With this agreement, Hyde Park City gets the ROW in lieu of buying the property, and the road will be installed when development goes in. The city can install the sewer as needed.

Mike Balls mentioned that the State Ombudsman has indicated that Kent must receive the benefit he puts into it or it could be classified a taking and Kent could pursue legal action. Brent said that he doesn’t like to react to threats of legal action.

Mark Hurd said that he appreciates the efforts that have been put into this to come to a resolution. Mark indicated that he would rather address an ordinance change than using a development agreement. He feels this is a win/win situation for Kent and the City. He would like to receive suggestions on how to make the ordinance equitable. Bret Randall said that the ordinance could be perceived as a taking due to the burden placed upon people to put in improvements and could open the city up to liability issues. Councilman Hurd said that phasing addresses this and gives landowners an option.
Brent Kelly asked why we would put in the sewer. He is not convinced it is the right thing to do. Bob Christensen said that the city needs the 600 South sewer and if the property owner never develops, it will never be put in.

**Roads & Parks**
Councilman Bob Christensen said that the city has purchased asphalt fill and the potholes in the city are being filled in. He indicated that the restroom in the Lion’s park is nearly complete. The RAPZ tax grant application has been submitted and the city will wait for notification of award prior to going any further on the park.

**Recreation & Emergency Preparedness**
Council member Carol Johnson reminded the council of the emergency mock disaster on Saturday, March 16 at 9:00 a.m. The objective is to test the red/green flags and communication methods.

Carol indicated that the Hyde Park City Royalty pageant was held on Tuesday. Emily Lyman is the new queen. The attendants are Karlie Belnap, Brooklyn Baldwin, Jocelyn Petersen, and Abby Freeman. There were two others that did not make the royalty. Carol has asked them to be involved with the City Celebration.

**Planning & Zoning**
Mark Hurd reported on the Planning Commission meeting held March 6. The commission held discussion on the Central Core, Access to Highway 91, Affordable Housing and commercial Subdivision Ordinance.

Mark asked for clarification of notices of training that had recently been sent out. The Mayor indicated that the City would pay the nominal cost for the training if anyone was interested.

Mark said that he was actively participating in the Community Covenant relationship. He would be happy to give a report if anyone desired.

Meeting adjourned at 8:55 p.m.

---

**Approval of Minutes** – Council member Johnson moved that the Hyde Park City Council approved the minutes of the March 13th, 2013 City Council meeting as amended. Council member Kelly seconded the motion. Council members Christensen, Johnson, Kelly, Hurd and Randall voted in favor. The motion carried 5-0.