

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 4, 2007 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 p.m.

**CONDUCTING:** Mayor W. Dean Howard

**ROLL CALL:** Councilmembers Paul C. James, Stephanie Miller, and Craig L. Rasmussen present.

**EXCUSED:** Councilmembers Martin L. Felix, and Douglas L. Stipes

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

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Mark Tenhoeve, Wastewater Superintendent Kevin Maughan, and ten citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

**INVOCATION:** Councilmember James

**APPROVAL OF MINUTES:**

The minutes of November 16, 2006 were amended as follows: 1) Page 3, Paragraph 1 after "There is a two inch" add "water"; 2) Page 3, Paragraph 1 after "The City suggests Mathews extend an eight inch" add "sewer"; and 3) Page 4, Paragraph 3 change "Councilmember James seconded the motion" to "Councilmember Stipes seconded the motion".

**ACTION**            **Councilmember James made a motion to approve the minutes from November 16, 2006 with the above amendments. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.**

The minutes of December 7, 2006 were amended as follows: Page 8, Paragraph 4 changing it from "Councilmember James said he has spoken with Angie Andreason who rents the Elite Hall to teach dance lessons about the City charging a two dollar user fee per month per student that is a resident of Hyrum and a four dollar user fee per month per student that is not a resident of Hyrum, in addition to the hourly rental fee. Angie said she would rather charge the students more money than have the City close down the Elite Hall. Each dance student would be required to sign a liability release form and the dance lesson instructors

would be responsible for collecting the user fees and paying the City each month." to "Councilmember James recommended the City charge a two dollar user fee per month per dance, music, tumbling, etc. student that is a resident of Hyrum and a four dollar user fee per month per student that is not a resident of Hyrum, in addition to the hourly rental fee. Each student would be required to sign a liability release form and the instructors would be responsible for collecting the user fees and paying the City each month."

**ACTION** Councilmember Miller made a motion to approve the minutes from December 7, 2006 with the above amendments. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was faxed to The Herald Journal, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

**ACTION** Councilmember James made a motion to approve the agenda as written. Councilmember Miller seconded the motion and all three councilmembers present voted aye.

#### AGENDA

8. SCHEDULED DELEGATIONS:
  - A. Cary Smith, Sound Geothermal Corporation - To present a proposal for the heating ventilation and air conditioning system at the Wastewater Treatment Plant.
  - B. John Hansen - To request site plan approval for a storage building at 375 West 200 South.
  - C. Dan Larsen, Continental Development - To request an exemption to the Subdivision Completion Policy by receiving building permits before installation of sidewalks in South Ridge Acres Phase III.
  - D. Dan Larsen, R.G. Development - To request Final Plat approval for Rolling Hills Subdivision Phase I located at approximately 300 South 400 East.
9. INTRODUCTION AND ADOPTION OF RESOLUTIONS:
  - A. Resolution 07-01 - A resolution authorizing a Councilmember to automatically succeed to the position of Mayor Pro Tempore. *First Reading*
  - B. Resolution 07-02 - A resolution setting application, professional, and inspection fees for subdivisions and planned unit developments. *First Reading*
10. OTHER BUSINESS:
  - A. Don Clawson property Annexation Agreement.
  - B. Non-resident user fee for CCC Camp and Left Hand.
  - C. Consideration and approval of an agreement for the 46KV transmission line and 600 South Substation.
  - D. Mayor and City Council reports.

#### 11. ADJOURNMENT

#### **SCHEDULED DELEGATIONS:**

**CARY SMITH, SOUND GEOTHERMAL CORPORATION - TO PRESENT A PROPOSAL FOR THE HEATING VENTILATION AND AIR CONDITIONING SYSTEM AT THE WASTEWATER TREATMENT PLANT.**

Cary Smith with Sound Geothermal Corporation said he was contacted by Councilmember James to evaluate Hyrum City's Wastewater Treatment Facility to determine if Sound Geothermal Corporation could save the City money on its natural gas bills. Unlike traditional furnaces that burn fuels for heat and require a separate air conditioning system, Sound Geothermal Corporation offers geexchange systems that transfers heat from one place to another using a simple process to provide both warmth and cooling. There are two types of geexchange systems. Each taps the earth's inexhaustible supply or renewable thermal energy, underground or underwater where temperatures remain fairly moderate. For Hyrum City's Wastewater Treatment Plant it would need an "open loop" system which would use the water from the plant. The water would be pumped through a heat exchanger at the geothermal heat pump. After which, the water is returned to the source - just as clean as before. In winter it would warm up the building through a heat pump. In the summer it would work in reverse to provide air conditioning by absorbing the heat from inside the building and transferring it to the cooler earth below.

The Environmental Protection Agency found that even on a source fuel basis, accounting for all losses in the fuel cycle including electricity generation at power plants, geexchange systems average 40% greater efficiency than air source heat pumps, 48% greater efficiency than the best gas furnaces, and 75% greater efficiency than oil furnaces. Today's best geexchange systems outperform the best gas technology, gas heat pumps, by an average of 36% in heating mode and 43% in cooling mode.

Mayor Howard said the City is always looking for ways to save money. He asked Cary Smith to work with Wastewater Superintendent Kevin Maughan to further investigate the cost savings for the Wastewater Treatment Facility by using a geexchange system.

Cary Smith said he wants to wait until after summer so he can get an accurate assessment of the Wastewater Treatment Facilities natural gas usage and then he will prepare a proposal.

**JOHN HANSEN - TO REQUEST SITE PLAN APPROVAL FOR A STORAGE BUILDING AT 375 WEST 200 SOUTH.**

Lance Hansen, John Hansen's son, said his father met with the City Council last year to request adding an additional storage building at 375 West 200 South. There were some problems with the site plan that needed to be addressed and John didn't bring it back before the City Council for approval. Lance has taken on this project and he has addressed the City Council's concerns.

Zoning Administrator Mark Tenhoeve said Lance Hansen met with the Planning Commission on December 14, 2006 and the Planning Commission recommended approval of the site plan for Storage sheds at 375 West 200 South with the following conditions: 1) Driveway must be paved; 2) Security lights must be dark sky friendly; 3) A six foot chain link fence must be installed; 4) Landscape must be modified for storm water drainage; 5) Set back must be changed from eight foot to twelve foot; and 6) There must be a landscape maintenance agreement.

Councilmember Rasmussen suggested the site plan include a drainage swale on the west side of the property to catch any overflow water. He questioned Lance about his Landscaping Plan and how he was planning on water the plants without a water connection.

Lance Hansen said he would install a drainage swale on the west side of the property. His Landscaping Plan includes shredded bark, boulders, decorative curbing, and drought resistant plants. He will have to hand water the plants for the first year or two and after that the plants shouldn't need to be watered.

Zoning Administrator Mark Tenhoeve said City Engineer Craig Neeley has reviewed the plans and has recommended approval.

**ACTION**

**Councilmember James made a motion to approve Lance Hansen's site plan for Storage sheds at 375 West 200 South with the following conditions: 1) Driveway must be paved; 2) Security lights must be dark sky friendly; 3) A six foot chain link fence must be installed; 4) Landscape must be modified for storm water drainage; 5) Set back must be changed from eight foot to twelve foot; and 6) There must be a landscape maintenance agreement. Councilmember Miller seconded the motion.**

**Councilmember Rasmussen recommended amending Councilmember James' motion to include 7) installation of a drainage swale on the west side of the property for overflow water. Councilmember James and Miller accepted Councilmember Rasmussen's amendment.**

**Mayor Howard called for a vote on the motion and all three councilmembers voted aye.**

**DAN LARSEN, CONTINENTAL DEVELOPMENT - TO REQUEST AN EXEMPTION TO THE SUBDIVISION COMPLETION POLICY BY RECEIVING BUILDING PERMITS BEFORE INSTALLATION OF SIDEWALKS IN SOUTH RIDGE ACRES PHASE III.**

Dan Larsen said all of the improvements have been installed in South Ridge Acres Phase III except for the sidewalk and light poles. Hyrum City's Subdivision Completion Policy requires all

improvements to be installed, including sidewalks, before a building permit is issued. Due to winter months it is not the ideal time to install sidewalks and he would prefer installing the sidewalks early this spring. Cement does not cure as well in the cold and he is concerned about the sidewalks chipping and breaking in the future.

Mayor Howard said the City needs to follow the ordinance and the ordinance requires sidewalks to be installed before a building permit is issued.

Dan Larsen said he is willing to pour the cement now for the sidewalks. However, it would be in the City's best interest to allow him to wait until spring to install the sidewalks and give him permission to obtain building permits now.

Councilmember Miller asked if the City Could require a bond from Dan for the sidewalks. Then if the sidewalks are not installed early this spring the City could have it done.

Mayor Howard said Dan Larsen is a developer and he knew winter was coming. Dan should have installed the sidewalks while the weather was still warm. It is not fair to other developers who paid for the sidewalks to be installed this fall so that he/she could obtain building permits during the winter months.

**ACTION**

**Councilmember Rasmussen made a motion to follow City ordinance to require sidewalks to be installed before a building permit is issued, and to deny Dan Larsen's request for building permits to be issued before the installation of sidewalks in South Ridge Acres Phase III. The motion failed, due to a lack of a second.**

Councilmember James said he built a home ten years ago and the sidewalks were installed in the middle of the winter, and before houses were built on the lots. During construction of his house the sidewalks were broken and he had to replace at least 30 feet. He understands the ordinance requires sidewalks to be installed before building permits are issued, but in this case it may not be in Hyrum City's best interest. He suggested allowing building permits to be issued but withhold occupancy permits until the sidewalks are installed.

Councilmember Rasmussen said if the City wants to allow building permits to be issued before sidewalks are installed then the ordinance should be changed rather than waiving the requirement.

**ACTION**

**Councilmember James made a motion to table Dan Larsen's request for an exemption to the Subdivision Completion Policy by receiving building permits before installation of sidewalks in South Ridge Acres Phase III. Councilmember Miller seconded the motion and all three councilmembers present voted aye.**

**DAN LARSEN, R.G. DEVELOPMENT--TO REQUEST FINAL PLAT APPROVAL FOR ROLLING HILLS SUBDIVISION PHASE I LOCATED AT APPROXIMATELY 300 SOUTH 400 EAST.**

Dan Larsen with R.G. Development said Rolling Hills Subdivision Phase I consists of ten lots. The City Engineer has reviewed the Final Plat and there are still some items that need to be addressed.

Councilmember Rasmussen said he also reviewed the Final Plat for Phase I of Rolling Hills Subdivision and has over 30 comments and concerns with the plat. He distributed a written report on his comments and concerns to the City Council. The final plat is not signed by a surveyor nor engineer. Utah State Code requires all final plans, specification and report prepared by, or under the supervision of, the professional engineer or professional structural engineer to bear the seal of the professional engineer or professional structural engineer when submitted to a client, when filed with public authorities, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure. Utah State Code also requires any final plan, map, sketch, survey, drawings, document plat, and report to bear the seal of the professional land surveyor license when submitted to a client or when filed with public authorities. There are inconsistencies in the legal description and plat bearings that need to be corrected. Ownership and dedication of stormwater retention area is not addressed on the plat. If the City is going to maintain the stormwater retention area then ownership needs to be addressed. Mowing the grass of the retention area will be difficult due to the slopes. The irrigation of the retention area has not been addressed. Ownership of future development parcel is not addressed. Side yard setbacks are not defined. Note 9 needs to be amended to include "without prior written approval from the City". The plan shows numerous monuments on 400 East and is the developer truly going to place all of the monuments shown on the plat?

Dan Larsen said Hyrum City's Municipal Code requires a monument indicating the new bearing on all curves in the road. He does not want to install all of the monuments, but he has to comply with code.

Councilmember Rasmussen said requiring a developer to install a monument indicating the new bearing on all curves in the road is excessive and recommended changing the code.

Councilmember Rasmussen said he agrees with City Wastewater Superintendent Kevin Maughan about not allowing a manhole sewer flow deflection that is 99 degrees. The sewer and water crossing would be safer if ~~the manhole sewer flow deflection was at 90 degrees rather than 99 degrees.~~ a manhole was added to the plan to allow the water to cross the sewer at 90 degrees. This would

eliminate the sewer deflection problem.

Mayor Howard recommended Councilmember Rasmussen, City Administrator D. Brent Jensen, City Engineer Craig Neeley, Dan Larsen and Dan Larsen's engineer hold a meeting together to discuss Councilmember Rasmussen's review of the final plat and resolve any unanswered questions.

**ACTION** Councilmember Rasmussen made a motion to table Dan Larsen's request for Final Plat approval for Rolling Hills Subdivision. Councilmember Miller seconded the motion and all three councilmembers present voted aye.

**INTRODUCTION AND ADOPTION OF RESOLUTIONS:**

**RESOLUTION 07-01 - A RESOLUTION AUTHORIZING A COUNCILMEMBER TO AUTOMATICALLY SUCCEED TO THE POSITION OF MAYOR PRO TEMPORE.**  
**FIRST READING**

**ACTION** Councilmember James made a motion to waive the first reading rule for Resolution 07-01. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

**ACTION** Councilmember James made a motion to approve Resolution 07-01 authorizing Councilmember Stipes to automatically succeed to the position of Mayor Pro Tempore. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

**RESOLUTION 07-02 - A RESOLUTION SETTING APPLICATION, PROFESSIONAL, AND INSPECTION FEES FOR SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS. FIRST READING**

Councilmember Rasmussen said the title of Resolution 07-02 should be changed from "A resolution setting application, professional, and inspection fees for subdivisions and planned unit developments." to "A resolution setting administrative, professional, and inspection fees for subdivisions and planned unit developments." He asked if there should be a fee for site plan submittals and reviews.

Since this was the first reading for Resolution 07-02 the City Council did not take any action. However, City Administration was asked to amend Resolution 07-02 by changing the title of the resolution and adding a section on fees for site plan submittals and reviews.

**OTHER BUSINESS:**

**DON CLAWSON PROPERTY ANNEXATION AGREEMENT.**

Floyd Burnett, contact sponsor for the Don Clawson annexation, said he reviewed the annexation agreement and he has a couple of items that he wants the City Council to address. Number two on the annexation agreement states that upon annexation, the subject property shall become part of Hyrum City and all development or improvements of any nature shall comply with the applicable ordinances, standards, regulations, procedures, and policies established by Hyrum City. APPLICANT understands that Hyrum City is presently revising its land use code, including Titles 16 and 17 of the Hyrum City Municipal Code, and the APPLICANT specifically acknowledges and agrees that, if the property subject to this annexation agreement is developed in phases, each phase will be developed under all applicable ordinances, standards, regulations, procedures, and policies in effect at the time of application for that particular phase. Floyd asked when the City will complete the revisions to Title 16 and Title 17 of the Hyrum City Municipal Code?

Mayor Howard said the City Council has held two workshops to review the proposed changes to Title 16 and Title 17, but it is still not finished with Title 17. The City Council will schedule another workshop to review Title 17 this month.

Floyd Burnett said number four on the annexation agreement addresses the water share requirement and irrigation service. He understands that 3 acre-feet of water per acre of ground has to be submitted to the City or he can purchase the water from Hyrum City at the rate of \$2,500 per acre-foot before it is annexed into the City. He asked the City if he could still use his irrigation shares to irrigate the land until it is developed.

Mayor Howard said the City could lease back to Floyd the water shares he submitted to irrigate the land until it is developed.

Floyd Burnett asked if he could provide the water to the City upon development rather than annexation.

Councilmember Rasmussen said Hyrum City's Municipal Code requires the water upon annexation not development. Once the property is annexed then Hyrum City is required to provide services. By requiring the water before the property is annexed it eliminates the potential for problems that could arise with water shares/rights upon development of the property.

Aaron Wiser said he is working with Floyd Burnett on the development of this property. He asked how wide of an easement the City would need for the construction and maintenance of the 46,000 volt electric line.

City Administrator D. Brent Jensen said the engineer has not completed the construction drawings for the electric line, however, he will contact the engineer and ask him to determine the necessary easement.

Aaron Wiser asked if the City would allow the easement to be considered in the calculation of the lot size?

City Administrator D. Brent Jensen said the easement can not be included as part of the lot size. There are too many problems associated with utility easements in backyards.

Aaron Wiser said number seven in the annexation agreement states that this property also abuts the Hyrum Irrigation Canal adjacent to the municipal irrigation ponds. APPLICANT understands and agrees that as a minimum, the City will require the APPLICANT and/or developer to pipe the canal and install such grates as necessary, and approved by Hyrum City, at the head of the pipe to facilitate cleaning and removal of debris accumulating at the inlet. He suggested fencing the ditch rather than piping it. ~~The developer could move the City's existing fence to the north of the canal and then the canal could be on the City's property to make it easier to maintain.~~ The developer could move the City's existing fence to the north of the canal and then the canal could be accessed from the City's property to make it easier to maintain.

AMENDED  
01-18-07

**ACTION** Councilmember James made a motion to continue to work on the annexation agreement with Floyd Burnett, and for the City to amend the agreement to require the canal to be fenced rather than piped. Councilmember Miller seconded the motion and all three councilmembers present voted aye.

**NON-RESIDENT USER FEE FOR CCC CAMP AND LEFT HAND.**

City Administrator D. Brent Jensen said Hyrum City does not charge a nonresident nor a resident of Hyrum a rental fee for the use of the CCC Camp or Left Hand. These are the only two City facilities that the City takes reservations for but does not require a rental fee or a deposit. These two areas are becoming more popular to reserve even though there is not water, electricity, nor a restroom.

**ACTION** Councilmember James made a motion to charge a rental fee for the CCC Camp and Left Hand: Hyrum City residents will be required to pay a rental fee of \$10 per day plus an additional \$1 per person for groups over 20; and nonresidents a \$25 rental fee per day plus an additional \$1 per person for groups over 20. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

**CONSIDERATION AND APPROVAL OF AN AGREEMENT FOR THE 46KVA TRANSMISSION LINE AND 600 SOUTH SUBSTATION.**

**ACTION** Councilmember James made a motion to approve an agreement with Comlink for engineering services for the 46kVA Transmission Line and 600 South Substation.

**Councilmember Miller seconded the motion and all three councilmembers present voted aye.**

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember James said Craig Yeaman contacted him about having a benefit concert for the Elite Hall at the Elite Hall on July 28<sup>th</sup>. Craig Yeaman is from Cache Valley and was part of a local band called the Cobras. At the last City Council Meeting he was asked to find out what other businesses charge to use a building for dance lessons. The Whittier Center charges \$75 an hour to rent. The Logan Recreation Center charges \$2 a day or \$25 per month for its aerobic classes. The instructors renting the Elite Hall are getting an incredible deal and the rates need to be raised and/or charge a monthly user fee per student.

Councilmember Miller said the Youth Council is registered to attend the Local Official's Day at the Legislature held on January 17, 2007 at the Salt Lake Sheraton.

***ADJOURNMENT:***

**ACTION            There being no further business before the Council, the Council Meeting adjourned at 9:20 p.m.**

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: January 18, 2007 \_\_\_  
                  As Amended