

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 18, 2007
AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor W. Dean Howard

ROLL CALL: Councilmembers Martin L. Felix, Paul C. James, Stephanie Miller, Craig L. Rasmussen and Douglas L. Stipes present.

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

OTHERS PRESENT: City Administrator D. Brent Jensen, and eighteen citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Councilmember James led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

The minutes of January 4, 2007 were amended as follows: 1) Page 7, Paragraph 4 change "if the manhole sewer flow deflection was at 90 degrees rather than 99 degrees." to "if 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."; and 2) Page 9, Paragraph 9 change "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." to "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.".

ACTION

Councilmember James made a motion to approve the minutes from January 4, 2007 with the above amendments.

Councilmember Felix seconded the motion and all five councilmembers 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.

Mayor Howard said the drawings for Wayne Pulsipher's subdivision are not complete, and the New Library and Museum Committee are not ready to give a report at tonight's meeting. Mayor Howard suggested amending the agenda by removing item 10.D. Wayne

Pulsipher - To request Final Plat approval for South Cache Subdivision Phase I located at approximately 500 West between 120 North and 2 North.; and 10.E. Hyrum New Library and Museum Committee - To report on the progress of the New Library and Museum.

ACTION **Councilmember Stipes made a motion to approve the agenda with the above amendments. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.**

AGENDA

8. SPECIAL PRESENTATION:
 - A. Administer Oath of Office to the Hyrum City Youth Council Mayor.
9. PUBLIC HEARING:
 - A. To receive public comment in regards to a petition filed by the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton proposing the annexation of 3.95 acres of real property, located at approximately 675 West 150 North.
10. SCHEDULED DELEGATIONS:
 - A. Doyle Knudsen - To request changing the ordinance to allow pigs inside city limits.
 - B. Scott Page, Highland Brands - To request a home occupation business license at 6313 South 600 West for an e-commerce business with deliveries and shipments.
 - C. Anna Lopez, Azteca Market - To request site plan approval for Azteca Market and Reception Center at 250 West Main.
 - ~~D. Wayne Pulsipher - To request Final Plat approval for South Cache Subdivision Phase I located at approximately 500 West between 120 North and 2 North.~~
 - ~~E. Hyrum New Library and Museum Committee - To report on the progress of the New Library and Museum.~~
11. INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCE:
 - A. Resolution 07-02 - A resolution setting application, professional, and inspection fees for subdivisions and planned unit developments. *Second Reading*
 - B. Ordinance 07-01 - An ordinance amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton property). *First Reading*
12. OTHER BUSINESS:
 - A. Appointment of Deputy Recorders.
 - B. Appointment to the Hyrum Library Board.
 - C. Mayor and City Council reports.
13. ADJOURNMENT

SPECIAL PRESENTATION:**ADMINISTER OATH OF OFFICE TO THE HYRUM CITY YOUTH COUNCIL MAYOR.**

Justice of the Peace Jack Stevens administered the Oath of Office to Hyrum City Youth Council Mayor Rachell Allgood.

PUBLIC HEARING:**TO RECEIVE PUBLIC COMMENT IN REGARDS TO A PETITION FILED BY THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, CRAIG POPPLETON, AND MARY ANN POPPLETON PROPOSING THE ANNEXATION OF 3.95 ACRES OF REAL PROPERTY, LOCATED AT APPROXIMATELY 675 WEST 150 NORTH.**

ACTION Councilmember Stipes made a motion at 6:40 p.m. to open the Public Hearing in regards to a petition filed by the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton proposing the annexation of 3.95 acres of real property, located at approximately 675 West 150 North. Councilmember James seconded the motion and all five councilmembers voted aye.

Mayor Howard asked for public comment and no public comment was made.

ACTION Councilmember Stipes made a motion at 6:40 p.m. to close the Public Hearing in regards to a petition filed by the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton proposing the annexation of 3.95 acres of real property, located at approximately 675 West 150 North. Councilmember James seconded the motion and all five councilmembers voted aye.

SCHEDULED DELEGATIONS:**DOYLE KNUDSEN - TO REQUEST CHANGING THE ORDINANCE TO ALLOW PIGS INSIDE CITY LIMITS.**

Doyle Knudsen asked the City Council to change the ordinance to allow pigs in the R-2 Residential, Multi-Family Zone. He lives in Ridgecrest Subdivision and has children who want to raise pigs to show at the Cache County Fair. The pigs would be on his property from May to August.

Mayor Howard said Hyrum City's ordinance prohibits pigs in all zones but R-2A Residential, Agricultural and M-1 Manufacturing. It took Hyrum City a long time to get rid of pigs in residential areas and he would not recommend changing the ordinance.

Councilmember James said the Protective Covenants of Ridgecrest

Subdivision prohibits a property owner from having animals other than household pets. Also Hyrum City's ordinance requires animals to be fed and corralled at least 180 feet from any neighbors dwelling. The ordinance allows pigs in the R-2A Zone and there is property directly west of Ridgecrest Zoned R-2A, if he could find someone to lease him property.

Doyle said he is presently renting the pasture directly north of Ridgecrest Subdivision. The southend of the pasture is inside City Limits and the northend is in Cache County. The northern end of the property is a long way for his kids to carry water to the pigs. He would prefer keeping the pigs at the southend of the field. He asked if the ordinance could be changed to allow pigs in the R-2 Zone for just three months out of the year.

Councilmember Rasmussen said when he was young he raised pigs and pigs smell even at three months. He is concerned about amending the ordinance to allow pigs in the R-2 Zone because then pigs would be allowed in almost all areas of Hyrum City.

Councilmember Stipes said the ordinance prohibiting pigs in the R-2 Zone was adopted for several reasons. It is part of his duty as a City Councilmember to look out for the health, safety, and welfare of the citizens of Hyrum. He would not be in favor of amending the ordinance to allow pigs in the R-2 Zone.

Mayor Howard recommended Doyle and his children keep the pigs on the northend of the pasture he rents, since that property is in Cache County.

SCOTT PAGE, HIGHLAND BRANDS - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 6313 SOUTH 600 WEST FOR AN E-COMMERCE BUSINESS WITH DELIVERIES AND SHIPMENTS.

Scott Page said he is in the process of purchasing a house at 6313 South 600 West and he wants to have a Home Occupations Business License for an e-commerce business that sales pickling supplies. No customers will come to the house since all sales are done via the internet. He will have deliveries to his house twice a month and UPS trucks will be coming daily to ship the products from his house to his customers. He will be building a large RV Storage Garage to the side of the house that will also be used to store products.

Steve Miller said his house is directly north of the house Scott Page is purchasing and he is concerned about the RV Storage Garage being turned into a building for a business rather than for RV storage. He asked Scott what the RV Storage Garage would look like.

Scott Page said he does not want the RV Storage Garage to look out of place, so he will be using the same style of architectural as the house and the same color of rocks and siding. He will not have any employees and is hoping to move his business to a

commercial building within two to three years.

Jane Spillman asked if there would be any machinery that would make noise.

Scott Page said the only machines he has is a computer, printer and an electric forklift. The electric forklift does not make noise, it is extremely quiet.

ACTION Councilmember Stipes made a motion to approve Scott Page's request for a Home Occupation Business License at 6313 South 600 West for a pickling supply business. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ANNA LOPEZ, AZTECA MARKET - TO REQUEST SITE PLAN APPROVAL FOR AZTECA MARKET AND RECEPTION CENTER AT 250 WEST MAIN.

Anna Lopez said she owns the building at 250 West Main where Scooter's Movie Theater was once located. She wants to have a small grocery store on the upper floor to ~~sale~~ sell canned goods. There will be no fresh meats or vegetables in the store. There will be a small cooler for milk and juice. She has purchased a tortilla machine that will be located on the main floor and will have fresh homemade tortillas for sale everyday.

AMENDED
02-01-07

City Administrator D. Brent Jensen said on January 11, 2007 the Planning Commission recommended approval of the site plan for Azteca Market and Reception Center at 250 West Main with the following conditions: 1) A retention pond for storm water drainage and landscaping with sprinkler system to be completed by June 2007; 2) When monument sign plans are complete owner must come before the Planning Commission for approval with a detailed landscaping plan; and 3) The garbage dumpster must be enclosed.

ACTION Councilmember James made a motion to approve the Site Plan for Azteca Market and Reception Center at 250 West Main with the following conditions: 1) A retention pond for storm water drainage and landscaping with sprinkler system be completed by June 2007; 2) When monument sign plans are complete owner must come before the Planning Commission for approval with a detailed landscaping plan; and 3) The garbage dumpster must be enclosed. Councilmember Felix seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF RESOLUTIONS:

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

Mayor Howard said Resolution 07-02 was presented to the City Council on January 4, 2007. At that meeting the City Council

recommended the following amendments to the Resolution: 1) Change the title of the Resolution 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."; and 2) Include a deposit for site plan submittals and reviews. Hyrum City's Municipal Code does not authorize the City to charge a site plan submittal and review deposit and/or fee. Hyrum City cannot charge a deposit for site plan review until Title 17 is amended to include requirements for a site plan submittals and reviews deposit.

ACTION Councilmember Rasmussen made a motion to approve Resolution 07-02 Setting Application, Professional, and Inspection Fees for Subdivisions and Planned Unit Developments. Councilmember Miller seconded the motion and all five councilmembers voted aye.

ORDINANCE 07-01 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, CRAIG POPPLETON, AND MARY ANN POPPLETON PROPERTY).
FIRST READING

Councilmember Rasmussen said he is a member of the High Council in this Stake and even though he is not involved in the land acquisition of this property he still wanted to declare a conflict of interest.

AMENDED Mayor Howard stated the LDS Church is represented through a real estate office and not at a Stake level. He did not see this issue as a conflict of interest for Councilmember Rasmussen.
02-01-07

Mayor Howard said the Public Hearing on the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton property was held earlier in this City Council Meeting. The City has written an Annexation Agreement and the annexation petitioners have verbally agreed to it. A copy of the Annexation Agreement is included in Ordinance 07-01 as an Exhibit.

ACTION Councilmember Stipes made a motion to waive the First Reading Rule for Ordinance 07-01 amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City (Utah) (the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton Property). Councilmember Miller seconded the motion and all five councilmembers voted aye.

ACTION Councilmember Stipes made a motion to approve Ordinance 07-01 amending the Municipal Zoning Map and annexing

certain real property and extending the Corporate Limits of Hyrum City (Utah) (the Church of Jesus Christ of Latter Day Saints, Craig Poppleton, and Mary Ann Poppleton Property) with the condition that the Annexation Agreement must be signed by the annexation petitioners. Councilmember James seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

APPOINTMENT OF DEPUTY RECORDERS.

Mayor Howard said State Law requires anyone taking City Council Meeting Minutes to be appointed and administered an Oath of Office. City employees Pam Ballard and Keesha Rinderknecht take minutes for the Planning Commission and Board of Adjustment Meetings, and assist City Recorder Stephanie Fricke with City Council Meetings when needed. He recommended appointing both Keesha Rinderknecht and Pam Ballard as Deputy Recorders. This appointment will not change their regular job duties or their pay rate.

ACTION Councilmember Stipes made a motion to appoint Pam Ballard and Keesha Rinderknecht as Deputy Recorders. Councilmember Miller seconded the motion and all five councilmembers voted aye.

APPOINTMENT TO THE HYRUM LIBRARY BOARD.

Councilmember Felix said Nibley City's representative on the Hyrum Library Board Ann Egglund moved and he has asked Nibley resident Kathy Miller to fill the remainder of Ann Egglund's term.

ACTION Councilmember Felix made a motion to appoint Kathy Miller to fill the remainder of Ann Egglund's term on the Hyrum Library Board. Councilmember James seconded the motion and all five councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the New Library and Museum Fund Raising Committee is having a bake sale, dinner and auction on March 9, 2007 at 6:00 p.m.

Councilmember James said registration for baseball and softball will begin in March. He has contacted the Hyrum Saddle Club about holding some country swing dances in the Elite Hall. The Hyrum City Safety Committee met and it is concerned about people not stopping their vehicles when people are in the crosswalks at Mountain Crest.

Councilmember Miller said the Youth Council attended Local

Officials Day at the Legislature. Representative and City Attorney Scott Wyatt sat with the Youth Council. She is in the process of finding a speaker for Hyrum City's Star Spangled Celebration Patriotic Program. She has scheduled next year's Hyrum's Holiday at Hardware Celebration on December 8, 2007.

Mayor Howard said the next City Council agenda will include a resolution authorizing and approving the power supply resource plan and the IPP Unit 3 sales contract with UAMPS.

ADJOURNMENT:

ACTION **There being no further business before the Council, the Council Meeting adjourned at 7:35 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: February 1, 2007
 As Amended