

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 1, 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, interim Zoning Administrator Tom LaBau and thirty one citizens. City Recorder Stephanie Fricke recorded the minutes.

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

AMENDED **PLEDGE OF ALLEGIANCE:** Councilmember ~~Stipes~~ Rasmussen led the
02-15-07 governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Miller

APPROVAL OF MINUTES:

The minutes of January 18, 2007 were amended as follows: 1) Page 5, Paragraph 1 change "sales" to "sells"; and 2) Page 7, add Paragraph 2 "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."

ACTION Councilmember James made a motion to approve the minutes from January 18, 2007 with the above amendments. Councilmember Rasmussen 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 suggested removing item "9.C. Ordinance 07-02 - An ordinance amending Section 16.20.070 of Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code regarding submission of water rights or shares for new development in Hyrum City." until the City Attorney has had a chance to review it.

ACTION Councilmember Stipes made a motion to approve the agenda with the above amendment. Councilmember James

seconded the motion and all five councilmembers voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:
 - A. Adlin Lamar Huish - To request approval of a Home Occupation Business License at 1215 East Hyrum Boulevard for Marriage, Family and Individual Counseling.
 - B. Hyrum New Library and Museum Committee - To report on the progress of the New Library and Museum.
 - C. Wayne Pulsipher - To request Final Plat approval for South Cache Subdivision Phase I located at approximately 500 West between 120 North and 2 North.
9. INTRODUCTION AND ADOPTION OF A RESOLUTIONS AND ORDINANCE:
 - A. Resolution 07-03 - A resolution authorizing and approving: (1) A power supply resource plan; (2) The Intermountain Unit 3 Project Power Sales Contract with Utah Associated Municipal Power Systems ("UAMPS); (3) The Second Amendment to the UAMPS Agreement for Joint and Cooperative Action; and (4) Related matters. *First Reading*
 - B. Resolution 07-04 - A resolution amending Hyrum City's Subdivision Completion Policy governing the issuance of building permits within approved and platted subdivisions. *First Reading*
 - C. ~~Ordinance 07-02 - An ordinance amending Section 16.20.070 of Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code regarding submission of water rights or shares for new development in Hyrum City.~~*First Reading*
10. OTHER BUSINESS:
 - A. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

ADLIN LAMAR HUISH - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE AT 1215 EAST HYRUM BOULEVARD FOR MARRIAGE, FAMILY AND INDIVIDUAL COUNSELING.

Adlin Lamar Huish was not in attendance, no discussion was held.

HYRUM NEW LIBRARY AND MUSEUM COMMITTEE - TO REPORT ON THE PROGRESS OF THE NEW LIBRARY AND MUSEUM.

Dallan Young with Lundhal Building Systems said the construction of the new Hyrum Library and Museum facility should be completed by the end of March. The original bid to construct the library and museum was \$3,876,405. Upon the recommendation from the City Council the New Library Committee, Architectural Nexus, and Lundahl Building reviewed the bids and took out and/or replaced

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fixtures, flooring, furniture, etc. to lower the bid to \$3,227,677. Since construction began on the library there has been \$344,389 in extra fees due to change orders and adding museum finish work in the project. Lundahl Building Systems is estimating the final construction cost for the new Library and Museum to be \$3,571,966.

New Library Committee Member Doug Nielsen said it is exciting to see the construction of the new Library and Museum almost complete. It is an incredible building and the residents of Hyrum should be proud to have it in the community. If Hyrum City would have waited two more years or until the City had pledged for the entire construction of the building, it may have never been built. The cost of materials have increased over the past year and will most likely continue to increase.

Dallan Young said lumber is the only item that has decreased in cost since the project was bid. Since the library was bid construction costs have probably increased ten percent.

WAYNE PULSIPHER - TO REQUEST FINAL PLAT APPROVAL FOR SOUTH CACHE SUBDIVISION PHASE I LOCATED AT APPROXIMATELY 500 WEST BETWEEN 120 NORTH AND 2 NORTH.

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City Administrator D. Brent Jensen said the City Engineer has reviewed the drawings and has recommended final plat approval for South Cache Subdivision Phase I. The road has been ~~lowered~~ raised to accommodate storm water runoff, however, the engineering has not been approved by the City Engineer.

Councilmember Rasmussen said he has had an opportunity to review these drawings, but the entire City Council has not. The City Council should receive all submitted drawings with the regular City Council packet. The drawings for South Cache Subdivision were revised and there has not been sufficient time for the City Council to review them. He is uncomfortable approving the final plat for a subdivision with conditions. It is the developer's responsibility to ensure that his/her engineer has submitted drawings with all of the City requirements on them. The City should not have to spend numerous hours reviewing a subdivision plat. If the developer wants to be on the next City Council Agenda then the developer needs to submit drawings that are complete at the time of submittal not a day or two before City Council Meeting.

ACTION

Councilmember Rasmussen made a motion to approve the final plat for South Cache Subdivision Phase I located at approximately 500 West between 120 North and 2 North with the condition that the City Engineer approve the storm water drawings. Councilmember James seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCE:

RESOLUTION 07-03 - A RESOLUTION AUTHORIZING AND APPROVING: (1) A POWER SUPPLY RESOURCE PLAN; (2) THE INTERMOUNTAIN UNIT 3 PROJECT POWER SALES CONTRACT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS ("UAMPS); (3) THE SECOND AMENDMENT TO THE UAMPS AGREEMENT FOR JOINT AND COOPERATIVE ACTION; AND (4) RELATED MATTERS. FIRST READING

Mayor Howard said Intermountain Unit 3 Project is a 900 MW, coal-fired electric generating facility to be located at the Intermountain Generating Station in Millard County, Utah. Utah Association Municipal Power Systems (UAMPS) will own, acquire and construct the plant upon entering into power sales contracts with participants that will purchase the electric power and energy. UAMPS will at the direction of the Project Management Committee and the Board issue Bond Anticipation Notes to finance all or a portion of the cost of the project. Hyrum City's Entitlement Share is 3 MW.

Councilmember Stipes said Intermountain Unit 3 Project is a coal generated facility and because it is not a renewable energy source there is a lot of pressure from Oregon and California to not allow this project to be built. However, Hyrum City needs to look at the long term situation for power. It is becoming more difficult to build a power plant and especially a power plant that does not operate on a renewable energy source. Environmentalists want electricity generated from natural gas and renewable energy sources. The price of electricity and natural gas will only increase with the building of natural gas plants. Hyrum City owns green power, but it needs reliable and inexpensive power, and the Intermountain Unit 3 Project will provide that.

ACTION Councilmember Stipes made a motion to waive the First Reading Rule for Resolution 07-03 authorizing and approving: (1) A power supply resource plan; (2) The Intermountain Unit 3 Project Power Sales Contract with Utah Associated Municipal Power Systems ("UAMPS); (3) The Second Amendment to the UAMPS Agreement for Joint and Cooperative Action; and (4) Related matters. Councilmember Rasmussen seconded the motion and all five councilmembers present voted aye.

ACTION Councilmember Stipes made a motion to approve Resolution 07-03 authorizing and approving: (1) A power supply resource plan; (2) The Intermountain Unit 3 Project Power Sales Contract with Utah Associated Municipal Power Systems ("UAMPS); (3) The Second Amendment to the UAMPS Agreement for Joint and Cooperative Action; and (4) Related matters. Councilmember Rasmussen seconded the motion and all five councilmembers present voted aye.

RESOLUTION 07-04 - A RESOLUTION AMENDING HYRUM CITY'S SUBDIVISION

**COMPLETION POLICY GOVERNING THE ISSUANCE OF BUILDING PERMITS
WITHIN APPROVED AND PLATTED SUBDIVISIONS. FIRST READING**

Mayor Howard said Resolution 07-04 will allow a subdivider/developer to deposit cash with the City equal to the amount of the cost to purchase and plant street trees, and the cost of cement and labor to install sidewalks, if the subdivision is completed to the point it is ready for sidewalks and/or trees but cold temperatures or other weather factors that prohibit sidewalks from being installed and/or trees from planted. Upon receipt of the deposit, the City will issue building permits for the subdivision but will not approve occupancy permits until all sidewalks have been installed and/or trees have been planted.

Councilmember Stipes said the City just recently allowed a developer to deposit cash with the City for construction of sidewalks in a subdivision because cold weather may have jeopardized the quality and durability of the cement. The Subdivision Completion Policy needs to be amended to reflect what the City actually requires and this resolution will do this.

Councilmember Rasmussen said under item 4 of the resolution there is a note about street trees being included in the construction bond and the difficulty exercising our interest in bonds for incomplete improvements. The note asks if the City should require developers to bond for street trees with cash and delete this item from the letter of credit or bond amount.

Councilmember Stipes recommended replacing the requirement for a developer to bond for street trees with the requirement that a developer has to place a cash deposit with the City until the street trees are planted.

Councilmember Rasmussen suggested that the cash deposit for street trees be for the total amount plus ten percent. By increasing the cash bond ten percent it will give an incentive to the developer to plant the trees.

Due to the first reading rule, no action was taken. This item will be on the next City Council Agenda.

OTHER BUSINESS:

MAYOR AND CITY COUNCIL REPORTS.

Councilmember James said baseball and softball registrations will be held in March.

Councilmember Rasmussen asked if Hyrum City and several other cities in the southend of Cache Valley were still involved in the process for finding a different company to collect and dispose of solid waste.

Mayor Howard said proposals have been received by the Committee

looking at alternate sources for collection and disposal of solid waste. However, some of the proposals were not complete and the Committee has given them additional time to provide the missing information.

Councilmember Miller said she is trying to find a speaker for this year's Star Spangled Celebration Patriotic Program. She is also looking for volunteers to serve on the Community Progress Committee to help with the Celebration.

ADJOURNMENT:

ACTION **There being no further business before the Council, the Council Meeting adjourned at 7:25 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: February 15, 2007
 As Amended