

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 15, 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, Craig L. Rasmussen and Douglas L. Stipes present.

EXCUSED: Councilmembers Martin L. Felix and Stephanie Miller

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, interim Zoning Administrator Tom LaBau and eighteen citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: City Administrator D. Brent Jensen led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Stipes

APPROVAL OF MINUTES:

Councilmember Rasmussen suggested amending the minutes of January 25, 2007 on Page 2, Paragraph 5 after "Councilmember Rasmussen said the City..." change "needs to require" to "may consider requiring".

Councilmember Stipes suggested amending the minutes of January 31, 2007 by adding on Page 2, Paragraph 3 "Interim Zoning Administrator Tom LaBau will rewrite the Commercial C-1 and Commercial C-2 zones; and Councilmember Stipes and Councilmember Felix will rewrite the Planned Unit Development ordinance. No assignment was made to rewrite the Residential Senior Housing Overlay Zone."

ACTION

Councilmember James made a motion to approve the minutes of January 25, 2007 and January 31, 2007 with the above amendments. Councilmember Stipes seconded the motion and all three councilmembers present voted aye.

The minutes of February 1, 2007 were amended as follows: Page 1, Paragraph 8 change "Councilmember Stipes" to "Councilmember Rasmussen"; Page 3, Paragraph 1 after "Since construction began on the library there has been \$344,398 in extra fees due to

change orders" add "and adding museum finish work in the project."; and Page 3, Paragraph 4 change "The road has been lowered..." to "The road has been raised...".

ACTION **Councilmember Rasmussen made a motion to approve the minutes of February 1, 2007 with the above amendments. Councilmember James 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.

Mayor Howard suggested removing item "9.B. 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 Rasmussen seconded the motion and all three councilmembers present 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. Colleen Dale, Cache Valley Cab - To request approval of a Home Occupation Business License at 960 East Highway 101 Unit B107 for transportation services.
 - C. Joe Yonk, Northern Utah Private Probation - To discuss Hyrum City Justice Court contracting with Northern Utah Private Probation for private probation services.
 - D. Dan Larsen, Rolling Hills Subdivision - To request Final Plat approval for Rolling Hills Subdivision Phase I located at approximately 300 South 400 East.
 - E. Steven Moss, Timberland Pallets - To request site plan approval for a pallet business to be located at 396 West Main.
9. INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCE:
 - A. Resolution 07-04 - A resolution amending Hyrum City's Subdivision Completion Policy governing the issuance of building permits within approved and platted subdivisions. *Second Reading*
 - B. ~~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. Cache Valley Ranch Association Water.
 - B. City Council procedure for subdivision approval.
 - C. Budget report.
 - D. 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 said he wants to provide marriage, family and individual counseling in his home. There will not be more than one family, couple, or person at his home at the same time. The majority of the counseling will be done over the telephone. He will not have a sign at his house advertising his business.

ACTION Councilmember James made a motion to approve a Home Occupation Business License for Adlin Lamar Huish at 1215 East Hyrum Boulevard for marriage, family and individual counseling. Councilmember Stipes seconded the motion and all three councilmembers present voted aye.

COLLEEN DALE, CACHE VALLEY CAB - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE AT 960 EAST HIGHWAY 101 UNIT B107 FOR TRANSPORTATION SERVICES.

Colleen Dale said she wants to lease a taxi cab from Cache Valley Cab in Logan to conduct transportation services in Hyrum and surrounding areas. Cache Valley Cab in Logan will provide dispatch services. She lives in the Blacksmith Fork Apartments and the apartment manager has approved her request to park the cab in the parking lot.

Mayor Howard asked Colleen Dale if she had a Driver's License Endorsement for Taxi Service.

Colleen Dale said she has a Taxi Service Endorsement on her Driver's License.

ACTION Councilmember James made a motion to approve a Home Occupation Business License for Colleen Dale at 960 East Highway 101 Unit B107 for transportation services. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

JOE YONK, NORTHERN UTAH PRIVATE PROBATION - TO DISCUSS HYRUM CITY JUSTICE COURT CONTRACTING WITH NORTHERN UTAH PRIVATE PROBATION FOR PRIVATE PROBATION SERVICES.

Joe Yonk said he has spoken with Hyrum City's Justice of the Peace Jack Stevens about contracting with Northern Utah Private Probation for private probation services. He is currently employed by the Cache County Sheriff's Office, but will be retiring this spring. His company has two other employees, Kaylene Yonk and Kathy Hoxie who have also been employed by the Cache County Sheriff's Office and/or the Cache County Courts. Between the three of them they have 90 years of combined law enforcement and interviewing experience, and 60 years of combined experience writing pre-sentence reports to the court. They are aware of the problems the courts in Utah are facing with the quality of pre-sentence reports and lack of supervision. Northern Utah Private Probation is dedicated to provide the highest quality of service possible. Northern Utah Private Probation will ensure accountability to the Hyrum City Justice Court by providing the following services: 1. Quality pre-sentence reports; 2. Supervision of probationers, including random home visits, random UA's, and random drug testing; 3. Violations of probation will be reported to the Court by an Affidavit and Order to Show Cause within 24 to 48 hours of the violation; 4. BCI background checks on probationers (only private probation in the State of Utah with BCI/ORI approval); 5. Collection of fines, restitution, and disbursement of those funds; 6. Recommendations to the Court based on working knowledge of the law; and 7. Attentive to the probation process completing it to the Court's satisfaction in a timely manner. There is no cost to the City for Northern Utah Private Probation services, its service fee of \$35 per month will be collected from the individual on probation.

Hyrum City Justice of the Peace Court Clerk Dianne Woolstenhulme said she is not in favor of Hyrum City contracting with a private probation company. She currently collects fines and sets-up a payment schedule for those people who can't afford to pay the entire fine upon conviction. She is not sure why Hyrum City would want to contract with a private company when she has the time and knowledge to continue collecting fines, setting up payment schedules, and monitoring counseling reports. There are at least 100 people making payments to the court at any given time. She also keeps track of those people that are required to go to counseling and if she doesn't receive a monthly counseling report then she issues an Order to Show Cause. The \$35 monthly fee from a private probation company would be a financial burden on these people that are struggling to make payments. She has heard from other courts the problems associated with private probation services, such as, not receiving timely payments once the company has collected it from the individual on probation or making payments, not following up on those individuals required to attend counseling, and probation fees can eventually end up being extremely high. State Law requires Justice Courts to use a private probation service for secondary probation. Secondary probation in the Hyrum City Justice Court usually consists of those people who have been convicted of a second DUI.

Mayor Howard asked Court Clerk Dianne Woolstenhulme if Northern Utah Private Probation could replace the company that Hyrum City Justice Court is presently using for secondary probation.

Court Clerk Dianne Woolstenhulme said she will find out if there is a contract with the other company and if so what the terms of the contract are.

Mayor Howard said since Court Clerk Dianne Woolstenhulme is comfortable with collecting payments on fines, and keeping track of those probationers that need counseling Hyrum City does not need to use a private probation company except when it is mandated by the State. He suggested Justice of the Peace Jack Stevens and Court Clerk Dianne Woolstenhulme determine which private probation company it wants to use for secondary probation.

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

Dan Larsen with Rolling Hills Subdivision requested final plat approval for Rolling Hills Subdivision Phase I.

Mayor Howard said City Engineer Craig Neeley has reviewed the final plat and is recommending approval with no conditions.

ACTION

Councilmember James made a motion to approve the final plat for Rolling Hills Subdivision Phase I located at approximately 300 South 400 East. Councilmember Stipes seconded the motion and all three councilmembers present voted aye.

STEVEN MOSS, TIMBERLAND PALLETS - TO REQUEST SITE PLAN APPROVAL FOR A PALLET BUSINESS TO BE LOCATED AT 396 WEST MAIN.

Steven Moss with Timberland Pallets said he has been in business for four years and recently has outgrown the facility he currently occupies in Smithfield. He is working with Mark Humphrey's, the owner of the property at 396 West Main, to lease the building closest to Main Street. Timberland Pallets builds new pallets, survey stakes, and lath. It doesn't store or rebuild old pallets. The building has a sawdust collection system and it will be cleaned-out and the sawdust disposed of off-site on a regular basis. He has four employees and will hire two or three more once he moves his business.

Interim Zoning Administrator Tom LaBau said on February 8, 2007 the Hyrum City Planning Commission recommended the City Council approve Timberland Pallet's site plan at 396 West Main with the following conditions: 1) Landscaping and maintenance plan be addressed; and 2) Clean-up existing scrap material around the

building.

Steven Moss said Mark Humphreys is the property owner and he would be responsible for all landscaping requirements. Mark Humphrey's has agreed to provide additional landscaping. Steven formerly ran a landscaping maintenance business and would be willing to do some maintenance of the existing landscaping.

Councilmember James said this property is located on Hyrum City's Main Street and it needs to be cleaned-up. He asked where the pallets were going to be stored.

Steven Moss said the pallets will be neatly stacked 16' high outside on the east side of the property. The pallets are not made from old wood and should not be an eyesore. He is aware of Hyrum City's concerns about the scrap piles of lumber currently on the property and he will make sure that these piles are removed from the property. He will not burn the scrap lumber, he has an eight foot high trailer that the scraps will be placed in and then taken to Miller's Compost to be recycled.

Interim Zoning Administrator Tom LaBau said the Planning Commission discussed as to whether it should require a fence to be installed around the pallet storage yard. The pallets are going to be stored next to a sidewalk that children walk on everyday to get to and from school. The fence would provide a safety barrier between the stack of pallets and the sidewalk, which would eliminate kids being able to climb on the pallets and also hide the view of the pallets from people driving by on Main Street.

Steven Moss said he didn't think a fence was necessary. The pallets are stacked neatly and are fastened together with large metal bands. A fence would not be high enough to block the view of the pallets, however, a fence could block the view of people leaving the convenience store next to it.

ACTION

Councilmember James made a motion to approve the site plan for Timberland Cabinets to be located at 396 West Main with the following conditions: 1) Landscaping and maintenance plan be submitted and approved by City Staff; and 2) The existing scrap material around the building is cleaned-up. Councilmember Stipes seconded the motion and all three councilmembers present voted aye.

INTRODUCTION AND ADOPTION OF A RESOLUTION:

RESOLUTION 07-04 - A RESOLUTION AMENDING HYRUM CITY'S SUBDIVISION COMPLETION POLICY GOVERNING THE ISSUANCE OF BUILDING PERMITS WITHIN APPROVED AND PLATTED SUBDIVISIONS. SECOND READING

Mayor Howard said the City Council discussed Resolution 07-04 at

its last meeting on February 1, 2007. This resolution 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 should require a cash deposit equal to the amount of the cost of the trees and then the developer would not have to include the cost of the trees in the performance bond. Hyrum City would be responsible for contacting the nursery to come and plant the trees when a homeowner moves in.

Developer Dan Larsen said he would prefer the City require the homeowner to pay for and plant the trees. It would save the person purchasing the house money if he/she was responsible for planting the trees rather than the developer.

Councilmember Rasmussen said the developer should be the party responsible for paying for the street trees. Street trees are part of the infrastructure in the development and should be treated the same as sidewalks, utility extensions, roads, etc.

Mayor Howard suggested the City Council table Resolution 07-04 until the next City Council meeting.

ACTION **Councilmember Stipes made a motion to continue the discussion on Resolution 07-04 at the next City Council Meeting. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.**

OTHER BUSINESS:

CACHE VALLEY RANCH ASSOCIATION WATER.

City Administrator D. Brent Jensen said in 2003 Hyrum City entered into an agreement with Cache Valley Ranch Association to purchase water rights from it, on an as needed basis. Last year Hyrum City purchased 369.265 acre feet of water from Cache valley Ranch Association with the intent that if property, including land across Hyrum Dam, was annexed a developer could purchase the required water rights from Hyrum City. Per the 2003 contract with Cache Valley Ranch Association Hyrum City has the option to purchase an additional 123.088 acre feet of water at \$2,000 per acre foot from Cache Valley Ranch Association again this year and next year.

Mayor Howard said the City's water utility is facing several expensive projects that will need to be completed in the next

couple of years. If the City purchases this water it will deplete more than one-half of the water utility reserve funds.

City Administrator D. Brent Jensen said at the next City Council Meeting he will provide a list of the City's water shares and rights. This list should help the City Council with its decision as to whether it should purchase the additional water.

ACTION Councilmember Stipes made a motion to continue the discussion on the Cache Valley Ranch Association Water at the next City Council Meeting. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

CITY COUNCIL PROCEDURE FOR SUBDIVISION APPROVAL.

Councilmember Stipes suggested the City Council adopt a rule for the City Council to not give approval for site plans, sketch plans, preliminary plat, nor final plats conditional upon plans being amended and/or completed. Businesses and developers submit incomplete plans or no plans at all (landscaping, signs, etc.) to the City Council for its approval and then try to pressure the City Council into approving the plans with conditions. This makes it difficult for the City Council since it does not know if the conditions of approval were ever complied with. This rule would be similar to the first reading rule and could be waived if the City Council chose to.

Councilmember James said he is concerned about establishing another rule that the City Council will have to waive the majority of the time. He doesn't think it is necessary to have a rule to restrict the City Council from approving a plan with conditions, when the City Council already has the right to deny or table a request if the applicant didn't submit all of the required information.

Councilmember Stipes said the first reading rule does get waived, but the City Council has to make a consciences effort to do so. The proposed rule has this same concept, however, it should not be waived as often as the first reading rule. City Staff will be responsible to ensure that all of the required information is on the plan before it comes to the City Council for its approval.

ACTION Councilmember Stipes made a motion to approve a rule for the City Council to not give approval for site plans, sketch plans, preliminary plat, nor final plats conditional upon plans being amended and/or completed. Councilmember Rasmussen seconded the motion and all three councilmembers present voted aye.

BUDGET REPORT.

City Administrator D. Brent Jensen reviewed the 2006-2007

