

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 5, 2007 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Pro-Tempore Douglas L. Stipes

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

EXCUSED: Mayor W. Dean Howard

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

OTHERS PRESENT: City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen and twenty one citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Pro-Tempore Stipes welcomed everyone in attendance and invited audience participation.

A MOMENT OF SILENCE IN HONOR OF LT. COL. CHASE J. NIELSEN: Mayor Pro-Tempore Stipes said former Hyrum resident retired Lt. Col. Chase J. Nielsen, one of the famed "Tokyo Doolittle Raiders" who helped boost American morale in the early days of World War II with a surprise air attack on Japan and spent a lifetime as an advocate for American airpower, died March 23 at his home in Brigham City, Utah.

Lt. Col. Chase J. Nielsen was born on January 14, 1917 in Hyrum, Utah, he attended Utah State University and graduated in 1939 with a bachelor of science degree in civil engineering. In August 1939, he enlisted in the U.S. Army Air Corps as a flying cadet. He was commissioned as a second lieutenant in June 1941.

Lt. Col. Nielsen, a lieutenant at the time, was the navigator of "Crew # 6," one of 16 B-25 Mitchell bombers and 80 Airmen that launched from the deck of the USS Hornet on April 18, 1942. Led by legendary aviation pioneer Lt. Col. James H. "Jimmy" Doolittle, the raid is one of the most studied and talked about missions in the history of aerial warfare. All 16 bombers made it to their targets, however, they were forced to ditch or bail out over or along the Chinese Coast because the U.S. task force had been spotted by Japanese picket boats, and Doolittle had decided to launch early -- more than 600 miles from the Japanese mainland and 200 miles farther out than planned.

The original plan had called for the Raiders to launch during the night and recover in China at dawn, but due to being spotted by the picket boats, Doolittle's improvised plan had them taking off in the early afternoon and landing in China at night. Further

complicating the recovery, an aircraft with a beacon that was supposed to take off over China and guide the crews to friendly airfields wasn't able to get airborne, so the Raiders were not able to avoid areas where Japanese occupation forces were concentrated. Most of the aircraft were able to reach land, but two, including Lt. Col. Nielsen's, were forced to ditch off the coast of China. Two men were killed in the ditching.

Lt. Col. Nielsen was one of the eight men who survived and was taken prisoner by the Japanese forces and held in inhumane conditions from which only four of the eight survived. Lt. Col. Nielsen spent the next 40 months as a prisoner of war, most of the time in solitary confinement, before being rescued at the end of the war by an Office of Strategic Services para-rescue team and brought back to the U.S. Lt. Col. Nielsen returned to Shanghai, China, in January 1946 to testify in the International War Crimes Trials against his former captors.

During his decade with the major command, Colonel Nielsen helped SAC develop key operational innovations, including radar navigation bombardment, air refueling employing the flying boom, and electronic countermeasures. He helped integrate "fail safe" and other emergency war order procedures into SAC's unique set of flight profiles.

Lt. Col. Nielsen returned to the air while assigned to SAC and reached more than 10,000 flying hours mostly in B-29s, B-50s, B-36s and B-52s. His longest flight lasted 26 hours non-stop without refueling from Okinawa, Japan, to Roswell, New Mexico, in a B-36.

Lt. Col. Nielsen retired from the Air Force in 1961 as a lieutenant colonel and began a career as an industrial engineer at Hill Air Force Base, Utah. He retired in 1981. Lt. Col. Nielsen's decorations include the Distinguished Flying Cross, the Purple Heart with Cluster, the Air Force Commendation Medal with Cluster, Outstanding Unit Award, Longevity Ribbon with four Clusters, and the Breast Order of Pao Ting from the People's Republic of China.

Of the 80 men who took part in the raid with Colonel Nielsen, three were killed during the mission, five were interned in Russia and eight became prisoners of war in Japan. Of those POWs, three were executed by firing squad by the Japanese and another died in captivity. Thirteen others would die later in the war. There are 14 Raiders alive today.

Mayor Pro-Tempore Stipes then asked the City Council and audience to take a moment of silence to honor former Hyrum resident Lt. Col. Chase J. Nielsen for his service, commitment and dedication.

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

INVOCATION: Councilmember James

APPROVAL OF MINUTES:

ACTION Councilmember Rasmussen made a motion to approve the minutes of March 15 as written. Councilmember James 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.

ACTION Councilmember James made a motion to approve the agenda as written. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

AGENDA

9. SCHEDULED DELEGATIONS:

- A. Evan Olson - To discuss water issues in Cache County.
- B. Brooke Stoker - To request a home occupation business license for a preschool at 86 South 1250 East.
- C. Cache County Sheriff Kim Cheshire - To present a video on the History of the Cache County Sheriff's Office.
- D. Garth Baxter, Hyrum Saddle Club and Kendrick Campbell, The Westernairs - To make a presentation to the City Council regarding a benefit dance for the Elite Hall.
- E. Hyrum City Library Committee - To update the City Council on the new Library and Museum.
- F. Aaron Wiser - To present a development design proposal for the Clawson/Burnett Annexation property.

10 INTRODUCTION AND ADOPTION OF A RESOLUTION

- A. Resolution 07-05 - A resolution accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Savage & Poppleton Annexation).
First Reading

11. OTHER BUSINESS:

- A. Mayor and City Council reports.

12. ADJOURNMENT

SCHEDULED DELEGATIONS:

: 1) Page 3, paragraph 7, change "Evan Olsen" to "Evan Olson"; 2) Page 6, paragraph 2, after "The Westernairs have agreed to only charge the City" change "\$350 per dance." to "\$300 per dance."; 3) Page 6, paragraph 4, sentence 1 change "Former Mayor and New Library Committee Members" to "Former Mayor and New Library Committee Member"; and 4) Page 6, paragraph 6, sentence 1 change "Mayo Pro-Tempore Stipes" to "Mayor Pro-Tempore Stipes".

Evan Olson said the Cache County Council asked him to meet with the cities and towns in Cache Valley regarding implementing a plan or organizing a water district to protect the County's water rights. Currently, the Cache County Council represents the County on water issues. The Cache County Council Members are involved in many other projects and sometimes the members do not have time to attend water meetings or serve on special water committees.

Evan Olson gave the City Council a list of questions and asked it to respond to the questions by April 15, so he can report to the Cache County Council on May 1. The questions asked were: 1) It has been projected that Cache County will double its population by 2030. What are your water needs that will take care of your future growth to 2030 and beyond? Do you need more water? How will you get it and how will you pay for it?; 2) How secure are your water rights?; 3) As you grow, will you begin to infringe on your neighboring towns? Water has become very expensive. Will this generate lawsuits?; 4) We have been allocated 60,000 acre feet from the Bear River. Do we need it? What do you suggest we do to preserve that allocation? The State Engineer has begun telling individuals that if they are not using their water to full capacity, the state will reallocate that water.; 5) Who in Cache County can the State Engineer or the Director of Water Resources talk to about water? What should we do about it?; 6) The water entities that we deal with are Water Conservancy districts. The Wasatch Front Districts have multi-million dollar budgets and have been pursuing development on the Bear River. What kind of water entity does Cache County need to have credibility with them? What possibilities should we pursue?; 7) The document recommendations of the "Cache Visions 20/20+" submitted to the Cache Valley Regional Council, June 12, 2006, suggests we create a Cache Valley water resource planning and management entity and makes reference to it 15 times in that document. Dennis Strong, State Director of Water Resources, suggests a water entity is needed to represent Cache County to negotiate with the State and other water agencies. Professor Robert Oaks, who has completed considerable research in Cache County, states, "One recommendation perceived the value of and need for a water management entity to speak for Cache Valley."; and 8) How do you deal with canal companies about storm water, liabilities, etc. as you surround them with growth?

BROOKE STOKER - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE FOR A PRESCHOOL AT 86 SOUTH 1250 EAST.

Brooke Stoker said she wants to teach preschool in her house located at 86 South 1250 East. She will have a maximum of ten children at her house at one time. The students will be there for two and one-half hours two days a week.

ACTION

Councilmember James made a motion to approve a Home Occupation Business License for Brooke Stoker to allow

her to teach preschool in her house at 86 South 1250 East. Councilmember Miller seconded the motion and all five councilmembers present voted aye.

CACHE COUNTY CAPTAIN SHERIFF KIM CHESHIRE - TO PRESENT A VIDEO ON THE HISTORY OF CACHE COUNTY.

Cache County Captain Sheriff Kim Cheshire said this year is the 150th Anniversary of the Cache County Sheriff's Office. Starting April 4 the Cache County Sheriff's Office is holding a 150 day celebration in honor of its anniversary. Each day a small ceremony will be held celebrating each year of the existence of the Cache County Sheriff's Office. Each ceremony will be unique, but will have three common elements: 1) Lowering the Sheriff's Office Flag symbolizing remembrance of the past. Then a new flag is raised symbolizing linking the past with the future; 2) A moment of reflection or prayer; and 3) Group salute to the United States Flag and stating the Pledge of Allegiance. Everyone working at the Sheriff's Office will participate in at least one ceremony. Other law enforcement agencies along with citizens, businesses, and cities will also be invited to participate. The 150 years in 150 days will celebrate the past, making history for the future. Hyrum City is invited to attend the ceremony on April 17, 2007.

A 30 minute video was shown on the history of the Cache County Sheriff's Office.

GARTH BAXTER, HYRUM SADDLE CLUB AND KENDRICK CAMPBELL, THE WESTERNAIRS - TO MAKE A PRESENTATION TO THE CITY COUNCIL REGARDING A BENEFIT DANCE FOR THE ELITE HALL.

Garth Baxter said the Hyrum Saddle Club co-sponsored two benefit dances for the Elite Hall. The admission fee was \$8.00 per couple. The Westernairs provided live music and everyone in attendance had a great time. Garth presented the Hyrum City Council a check for \$303 to be used on the Elite Hall.

Kendrick Campbell with The Westernairs said several months ago he read an article in the Herald Journal about the Hyrum City Council considering closing down the Elite Hall and wanted to do something to help keep the building open. His band The Westernairs agreed to play for free at two benefit dances for the Elite Hall. He did the majority of the advertising for the dances and was pleased at the number of people who attended the dances. The Westernairs put on at least two shows a week and have a large fan base on the Wasatch Front. He suggested the City hold a dance every month at the Elite Hall. His band would charge the City a minimal fee to come and set-up for the dance.

Councilmember James thanked Garth Baxter and Kendrick Campbell for their willingness and dedication towards putting on a dance at the Elite Hall. After speaking with Kendrick Campbell and Garth Baxter earlier this week, he recommended the City help

sponsor a dance at the Elite Hall every second Saturday of the month. The City could have a Dance Club similar to the Saddle Club that would help with the dances. The Westernairs have agreed to only charge the City ~~\$350~~ 300 per dance. The City would receive any profit from the dances to help fund the Elite Hall and if the dances do not cover the band fee, advertising fees, etc. Hyrum City should cover those costs.

AMENDED
05-17-07

HYRUM CITY LIBRARY COMMITTEE - TO UPDATE THE CITY COUNCIL ON THE NEW LIBRARY AND MUSEUM.

AMENDED
05-17-07

Former Mayor and New Library Committee Members Gordon M. Olson said construction of the new library is almost complete. The moving date for the library is tentatively scheduled for April 17, 18 and 19 and the opening date for the new library will be May 1. The dedication for the new library will be held Memorial Day weekend. The Museum Board is working with a display company to design some exhibits. The museum will not be ready to open when the new library opens and until the exhibits are designed the Museum Board does not want to move the items from the current museum into the new museum.

Museum Board Member Jeff McBride said the Museum Committee would like to schedule a meeting with the City Council to discuss its concerns, ideas for exhibits, and budget for the new museum.

AMENDED
05-17-07

Mayor Pro-Tempore Stipes recommended the City Council hold a workshop with the Museum Board on April 24 at 6:30 p.m. to discuss the exhibits in the new museum and budgetary issues.

AARON WISER - TO PRESENT A DEVELOPMENT DESIGN PROPOSAL FOR THE CLAWSON/BURNETT ANNEXATION PROPERTY.

Aaron Wiser said he is working with Floyd Burnett on the development of Don Clawson's property located at approximately 550 South 800 East/Highway 165. This property fronts a State Highway and since Hyrum City prohibits backyard facing lots adjacent to State Highways, he would like to show the City Council his design plan for the property. It was difficult to find a house plan that would work for a double frontage lot. The house plan he has chosen for the lots fronting the State Highway is a narrow house that has curb appeal and privacy. The houses will be accessed from the rear of the lot, so both the frontyard and backyard will have to be landscaped. The sideyard will act as the backyard and a privacy fence will be installed.

Zoning Administrator Ron Salvesen said he appreciates Aaron finding a house plan that is attractive and functional. This will be Hyrum City's first subdivision that has to comply with the ordinance prohibiting backyards from facing State Highways.

ACTION

Councilmember James made a motion to give Aaron Wiser's house plan for the building lots with double frontage a favorable review. Councilmember Millers seconded the

motion and all five councilmembers present voted aye.

INTRODUCTION AND ADOPTION OF A RESOLUTION:

RESOLUTION 07-05 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (SAVAGE & POPPLETON ANNEXATION). FIRST READING

Leon Savage said he and Craig Poppleton are requesting annexation of approximately 104.35 acres of real property located at approximately 100 North to 150 South between 600 West and 850 West. Over the past month Leon, Craig and Leon's son Bruce Savage have been researching the irrigation records to determine the amount of acre-feet of water the Hyrum Little Feeder Ditch irrigation shares represent.

Bruce Savage said he is an engineer and over the past month he has reviewed thousands of old documents and records dealing with the Little Feeder Ditch. He has written an analysis of the water available on the Little Feeder Ditch and Wellsville East Field Canal and will file it with the Hyrum Irrigation Company. Information in the report was collected from the United State Bureau of Reclamation documents, the United States Geological Survey reports, Water Commissioner reports for the Little Bear River, the Kimball Decree and various water right records. His final conclusion in the report shows that one share of water in the Little Feeder Ditch represents 8.2839 acre-feet of water; and one share in the Wellsville East Field Canal represents 3.72 acre feet of water. The Little Feeder Ditch shares have additional benefits because the biggest portion of the water right is either storage or carries a first priority water right. Since the construction of Hyrum Dam, the dam has always filled full of water each Spring. Therefore, the storage right has been met every year and it can be used anytime through the irrigation season, especially after spring runoff. Other water rights that are tied to lower priorities may only be met during spring runoff in lower water years. Likewise, with the Wellsville East Field Canal priority right to the Little Bear River, during low water years, this right is first in line. He passed out a copy of his written report to each City Council Member.

Councilmember Stipes said Hyrum City is in the final stages of revising Title 16 & 17. The City Council may not want to accept any annexation petitions until the ordinances revising Title 16 & 17 are adopted.

ACTION

Councilmember Rasmussen made a motion to table approval of Resolution 07-05 until the revisions amending Title 16 and 17 are adopted. Councilmember Felix seconded the motion.

Councilmember James said the Hyrum City Council has been working

on the revisions to Title 16 & 17 for the past six months. It shouldn't take more than one or two more months before Title 16 & 17 are adopted by the City Council. The annexation process takes at least three months, so why table the annexation when it could be running in conjunction with the revisions to Title 16 & 17. This resolution does not guarantee the property will be annexed. If Title 16 & 17 are still not completed by the time the annexation is ready for approval the City Council does not have to annex the property .

ACTION **Councilmember James made a substitute motion to table Resolution 07-05 since it was a first reading and to place it on the May 3, 2007 City Council agenda. Councilmember Miller seconded the motion and all five councilmembers present voted aye.**

OTHER BUSINESS:

MAYOR AND CITY COUNCIL REPORTS.

Councilmember James said Recreation Directors Alan and Tiffany Todd were extremely busy in March with baseball sign-ups. Sign-ups are now over and games should begin in June.

Councilmember Miller said the Youth Council attended the Youth Council Leadership Conference at Utah State University. They learned some valuable lessons and wanted her to express its appreciation to the Mayor and City Council for allowing them to attend. The Youth Council also helped with the Library Auction and will be helping with the Easter Egg Hunt and the Dairy Princess Pageant. The International Food Festival Committee has met and is considering changing the date of the festival to September 21 & 22. To kick off the festival the Committee is trying to organize a Hawaiian Luau for Friday evening. Tickets to the luau will be sold ahead of time. The actual Festival will be held Saturday from 11:00 a.m. to 8:00 p.m. with demonstrations, classes, or activities every thirty minutes. She has been receiving negative telephone calls and emails regarding the pig wrestling competition and she wants to verify the City Council still wants to allow a pig wrestling competition to be held in Hyrum.

The City Council confirmed that it will allow a private company to hold a pig wrestling competition at the Hyrum Rodeo Grounds.

ADJOURNMENT:

ACTION **There being no further business before the Council, the Council Meeting adjourned at 9:15 p.m.**

Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: May 17, 2007 ==
As Amended