

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 17, 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, and Craig L. Rasmussen present.

**EXCUSED:** Councilmember Douglas L. Stipes

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

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

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

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

**INVOCATION:** City Administrator D. Brent Jensen

**APPROVAL OF MINUTES:**

The minutes of April 5, 2007 were amended as follows: 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".

**ACTION** Councilmember James made a motion to approve the minutes of April 5, 2007 with the above amendments. Councilmember Miller seconded the motion and all four councilmembers present voted aye.

**ACTION** Councilmember James made a motion to approve the minutes of April 19, 2007 as written. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

**ACTION** Councilmember James made a motion to approve the minutes of April 24, 2007 as written. Councilmember Miller seconded the motion and all four 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 Pro-Tempore Stipes recommended amending the City Council Agenda by removing item 9.A. Dan Larsen, Rolling Hills Subdivision - To request Preliminary Plat approval for Rolling Hills Subdivision Phase II (89 lots) located at approximately 300 South 400 East.

**ACTION**            **Councilmember Rasmussen made a motion to approve the agenda as amended. Councilmember Miller seconded the motion and all four councilmembers voted aye.**

AGENDA

8. SPECIAL PRESENTATION:
  - A. Jamie Warner - To display her State of Utah Championship National History Exhibit.
9. SCHEDULED DELEGATIONS:
  - A. ~~Dan Larsen, Rolling Hills Subdivision - To request Preliminary Plat approval for Rolling Hills Subdivision Phase II (89 lots) located at approximately 300 South 400 East.~~
  - B. Cody Mathews - To request approval for a septic tank at 551 East 100 North.
  - C. Mark Humphreys, Homestead Cabinets - To request site plan approval for Homestead Cabinets at 50 East 200 North.
10. INTRODUCTION AND ADOPTION OF RESOLUTION AND ORDINANCE:
  - A. Resolution 07-07 - A resolution amending the Design Standards and Construction Specification for Public Works Construction in Hyrum City. *Second Reading*
  - B. Ordinance 07-04 - An ordinance amending Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code with multiple amendments as a result of the revision to Hyrum City's General Plan. *Second Reading*
  - C. Ordinance 07-05 - An ordinance adding Section 10.20.105 and Chapter 12.10 to the Hyrum City Municipal Code; and amending Section 10.20 of the Hyrum City Municipal Code to clarify parking restrictions for recreational vehicles, agricultural equipment and supplies, and semi-trucks and trailers, as well as restrictions against storage and disposal on public property. *First Reading*
11. OTHER BUSINESS:
  - A. Notice of Rejection of Annexation Petition (West Hyrum Annexation).
  - B. Consideration and approval of the 2007-2008 Law Enforcement Contract with Cache County Sheriff's Office.
  - C. Consideration and award of bid for the asphalt East

Park.

D. Mayor and City Council reports.

12. ADJOURNMENT

***SPECIAL PRESENTATION:***

**JAMIE WARNER - TO DISPLAY HER STATE OF UTAH CHAMPIONSHIP NATIONAL HISTORY EXHIBIT.**

Jamie Warner said she is a sixth grader at Thomas Edison South Charter School and she participated in the 2007 State of Utah History Fair. Her exhibit took first place and she will be representing the State of Utah at the National History Competition in Washington D.C. She spent more than 250 hours researching, designing and constructing her exhibit on Mary Surratt: A Tragedy of Justice. Mary Surratt was allegedly a member of Abraham Lincoln assassination conspiracy. Born Mary Jenkins in 1820 in Waterloo, Maryland. Mary Surratt has the dubious distinction of being the first woman executed by the U.S. government. She was hung for treason in 1865. Surratt was educated at a Catholic female seminary and married John Surratt in 1840. They lived in the District of Columbia for a time and had three children—Issac, Anna, and John, Jr. The couple later settled in the Maryland countryside where they started a tavern and opened a post office and polling place. During the Civil War, the tavern was thought to have served as a safe house for the Confederate underground. After her husband's death in 1862, Mary Surratt moved to Washington, D.C., where she opened a boardinghouse. It is believed John Wilkes Booth devised his assassination plot at this location. Angered over the Confederacy's defeat in the Civil War, Booth wanted to kill President Abraham Lincoln, Secretary of State William Seward, and Vice President Andrew Johnson. Booth shot President Lincoln on April 14, 1865, at Ford's Theatre. Lincoln died the next morning from his gunshot wound. Soon after, the authorities rounded up anyone who might have been associated with the plot. Mary Surratt was arrested on April 30. Surratt's son, John, Jr., was also thought to be involved in the conspiracy, but he fled to Canada. Although she claimed to be innocent, she was tried and convicted by a military commission. Mary Surratt was hanged on July 7, 1865.

The City Council suggested Jamie contact Librarian Ginny Tremayne about displaying her exhibit in the library after she competes in Washington D.C.

***SCHEDULED DELEGATIONS:***

**CODY MATHEWS - TO REQUEST APPROVAL FOR A SEPTIC TANK AT 551 EAST 100 NORTH.**

Cody Mathews said he is building a house at 551 East 100 North and will have to extend the water, irrigation, and sewer lines to his property.

City Administrator D. Brent Jensen said Hyrum City opened the

bids for the extension of the water, irrigation, and sewer lines to Cody's property. The lowest bid was \$128,000 and the sewer line extension accounted for \$53,000 of the bid. Section 13.12.140 of the Hyrum City Municipal Code mandates the use of the sewer system unless the house is more than 300 feet from the closest sewer line or unless the property is exempted by the City Council "in case of undue hardship." Cody asked Brent if the City would consider allowing him to install a septic tank rather than extending the sewer line. Hyrum City Wastewater Treatment Superintendent Kevin Maughan said he would prefer Cody install a septic tank. Kevin is worried about maintaining half a block of line with only one house on it because it will require more flushing and maintenance due to low flows and no other houses will connect to it. Brent contacted the Bear River Health Department and was told it would approve a septic tank for Cody upon written authorization from the City.

**ACTION**

**Councilmember James made a motion to approve Cody Mathew's request for a septic tank at 551 East 100 North with the condition that if the sewer line is ever installed past the house at 551 East 100 North it has to be connected to the sewer line. Councilmember Miller seconded the motion and all four councilmembers voted aye.**

**MARK HUMPHREYS, HOMESTEAD CABINETS - TO REQUEST SITE PLAN APPROVAL FOR HOMESTEAD CABINETS AT 50 EAST 200 NORTH.**

Zoning Administrator Ron Salvesen said Mark Humphrey's site plan proposes the curb, gutter and sidewalk be installed nine feet into the City's right-of-way on 100 East. This will give Mark nine additional feet to install a parking lot on the east side of the existing building. City Staff has reviewed the site plan and prefers curb, gutter and sidewalk be installed nine feet into the City's right-of-way so that a parking lot can be included directly east of the building rather than having the employees park on the side of the street.

Councilmember Rasmussen said he is concerned about the curb, gutter and sidewalk being nine feet into the City's right-of-way. The City would not want to vacate its right-of-way and allow a private business to claim ownership rights for City property. The ingress/egress to the southeast side of the property is too close to the intersection and should be moved further north to be in compliance with City Design Standards. If additional parking spaces are needed then the property owner should have to provide parking spaces on his property and not expect the City to give up its property to provide sufficient parking spaces for a private business. There is plenty of land to the north of the building that could be used as a parking lot. The original site plan included some landscape but the proposed site plan doesn't include any landscaping. Iit is all hardscaped.

**AMENDED  
06-07-07**

Mark Humphreys said the last time he was before the City Council

it made a motion to issue site plan approval with several conditions. One of the conditions was that he would be responsible to pay for engineering and construction of curb, gutter and sidewalk at the time when Hyrum City deemed necessary.

Cache Valley Bank still owns the property and is willing to pay half of all required improvements, he would prefer to install the curb, gutter and sidewalk on 100 East immediately rather than in the future. He hasn't included any landscaping except for in the City's planter strip because he doesn't have any room for landscape.

**ACTION** Councilmember Miller made a motion to approve the site plan for Homestead Cabinets at 50 East 200 North with the following conditions: 1) the south ingress/egress on 100 East be moved to the legal distance from an intersection; and 2) all of the improvements on 100 East be completed immediately. Councilmember James seconded the motion and Councilmembers Felix, James, and Miller voted aye and Councilmember Rasmussen voted nay. The motion passed.

**RESOLUTION 07-07-A RESOLUTION AMENDING THE DESIGN STANDARDS AND CONSTRUCTION SPECIFICATION FOR PUBLIC WORKS CONSTRUCTION IN HYRUM CITY. SECOND READING**

Mayor Howard said this is the second reading for Resolution 07-07 amending the Design Standards and Construction Specification book. The Design Standards and Construction Specifications have been revised to comply with State Laws and the proposed changes to Title 16 & 17. The checklists contained in the Design Standards and Construction Specifications are accurate and complete.

**ACTION** Councilmember James made a motion to approve Resolution 07-07 amending the Design Standards and Construction Specifications for Public Works Construction in Hyrum City. Councilmember Rasmussen seconded the motion and all four councilmembers voted aye.

**ORDINANCE 07-04 - AN ORDINANCE AMENDING TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE WITH MULTIPLE AMENDMENTS AS A RESULT OF THE REVISION TO HYRUM CITY'S GENERAL PLAN. SECOND READING**

**ACTION** Councilmember James made a motion to approve Ordinance 07-04 amending Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code with multiple amendments as a result of the revision to Hyrum City's General Plan. Councilmember Miller seconded the motion and all four councilmembers voted aye.

**ORDINANCE 07-05 - AN ORDINANCE ADDING SECTION 10.20.105 AND**

**CHAPTER 12.10 TO THE HYRUM CITY MUNICIPAL CODE; AND AMENDING SECTION 10.20 OF THE HYRUM CITY MUNICIPAL CODE TO CLARIFY PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES, AGRICULTURAL EQUIPMENT AND SUPPLIES, AND SEMI- TRUCKS AND TRAILERS, AS WELL AS RESTRICTIONS AGAINST STORAGE AND DISPOSAL ON PUBLIC PROPERTY.**  
**FIRST READING**

City Administrator D. Brent Jensen said Ordinance 07-05 will prohibit recreational vehicles, utility trailers, and agricultural vehicles from parking on City roadsides for more than 24 consecutive hours. It will also restrict people from storing or disposing of green waste, animal feed, dirt, debris, construction materials, etc. on public property.

Councilmember Miller suggested allowing recreational vehicles, utility trailers, and agricultural vehicles to park on the City roadsides for 48 consecutive hours rather than 24 consecutive hours.

**ACTION**

Councilmember James made a motion to approve Ordinance 07-05 adding Section 10.20.105 and Chapter 12.10 to the Hyrum City Municipal Code; and amending Section 10.20 of the Hyrum City Municipal Code to clarify parking restrictions for recreational vehicles, agricultural equipment and supplies, and semi-trucks and trailers, as well as restrictions against storage and disposal on public property. Councilmember Miller seconded the motion and all four councilmembers voted aye.

**NOTICE OF REJECTION OF ANNEXATION PETITION (WEST HYRUM ANNEXATION).**

Mayor Howard said the petition for annexation sponsored by Steve Baugh does not meet the certification requirements outlined in State Law; therefore, the annexation petition has been rejected. The sponsors of the annexation petition can resubmit the petition as soon as they correct it.

**CONSIDERATION AND APPROVAL OF THE 2007-2008 LAW ENFORCEMENT CONTRACT WITH CACHE COUNTY SHERIFF'S OFFICE.**

Mayor Howard said the 2007-2008 Law Enforcement Contract with Cache County Sheriff's Office is basically the same as last year, it provides the same amount of contract hours.

**ACTION**

Councilmember Felix made a motion to approve the 2007-2008 Law Enforcement Contract with Cache County Sheriff's Office. Councilmember Miller seconded the motion and all four councilmembers voted aye.

AMENDED  
06-07-07

**CONSIDERATION AND AWARD OF BID FOR THE ASPHALT AT EAST PARK.**

Mayor Howard said the City opened bids for the replacement of the

asphalt at East Park earlier today. The City received three bids:

Consolidated Paving	\$.0969	per square foot
Staker Parson	\$.0960	per square foot
LeGrand Johnson	\$.0960	per square foot

Both LeGrand Johnson and Staker Parson would do an excellent job, so the City will ask a representative from Staker Parson and LeGrand Johnson to attend a meeting with the City where a coin toss will determine which company gets the bid.

**ACTION**            **Councilmember Rasmussen made a motion to award the bid for the asphalt at East Park to which ever company wins the coin toss for \$.0960 per square foot. Councilmember James seconded the motion and all four councilmembers voted aye.**

***OTHER BUSINESS:***

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Felix said the dedication of the new library will be held on May 26<sup>th</sup> at 2:00 p.m. Elder Russell M. Ballard will be the guest speaker at the dedication.

Councilmember James said there were only 15 couples that attended the dance at the Elite Hall on May 12, however, four of those couples volunteered to serve on the Elite Hall Dance Club.

Councilmember Miller said the International Food Festival Committee is busy planning the festival on August 24 & 25. The Star Spangled Celebration Committee is holding a meeting the first week of June to finalize the details of the celebration.

***ADJOURNMENT:***

**ACTION**            **There being no further business before the Council, the Council Meeting adjourned at 8:15 p.m.**

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: June 7, 2007                    
As Amended