

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JUNE 21, 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, Craig L. Rasmussen, and Douglas L. Stipes present.

EXCUSED: Councilmember Stephanie Miller

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

AMENDED
07-19-07 **OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen and ~~twenty~~ fourteen citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Mayor Howard led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember James

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 recommended amending the agenda by removing item 9.B. Todd Beutler - To request approval of a resolution allowing the citizens of Hyrum to vote on a sales tax increase for public transportation., and item 10.E. Resolution 07-14 - A resolution approving a ballot measure allowing the citizens of Hyrum to vote on whether an increase in sales tax is needed to expand public transportation.

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

AGENDA

8. PUBLIC HEARING:
 - A. The adoption of Fiscal 2007-2008 Operating Budgets for the General Fund, the Capital Projects Fund, the Culinary Water Fund, the Sewer Fund, the Electric Fund, the Irrigation Water Fund, the Storm Water Fund, and the Library Trust Fund.
 - B. The proposed transfer of \$100,000 each from the Water

- Utility, Sewer Utility, and Electric Utility to the Capital Projects Fund during 2006-2007. Also the proposed transfer of \$150,000 from the water utility and \$50,000 from the electric utility for 2007-2008.
- C. Setting the municipal tax rate for 2007-2008.
 - D. Setting salaries of elected and appointed officials and other municipal employees for 2007-2008, and amending Section 2.12.010 of the Hyrum City Municipal Code.
 - E. Adjustments to the 2006-2007 General and Enterprise Operating Budgets.
9. SCHEDULED DELEGATIONS:
- A. Paul Berntson, Cache County Building Inspector - To present the annual building inspection report.
 - ~~B. Todd Beutler, Cache Valley Transit District - To request approval of a resolution allowing the citizens of Hyrum to vote on a sales tax increase for public transportation.~~
 - C. Jeff Ballard, C&C Services - To request site plan approval for the second building on Anvil Road a plastic sorting & shipping business.
 - D. Church of Jesus Christ of Latter Day Saints - To request site plan approval at 675 West 100 North for a church house.
10. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
- A. Resolution 07-11 - A resolution amending the 2006-2007 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets. *First Reading*
 - B. Resolution 07-12 - A resolution establishing the Municipal Certified Tax Rate for Fiscal 2007-2008. *First Reading*
 - C. Resolution 07-13 - A resolution approving and adopting the Fiscal 2007-2008 operating budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund, Irrigation Water Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund. *First Reading*
 - D. Ordinance 07-07 - An ordinance amending Chapter 2.12, Section 2.12.010 of the Hyrum City Municipal Code, to provide for adjustments in the salaries of officers and employees of Hyrum City. *First Reading*
 - ~~E. Resolution 07-14 - A resolution approving a ballot measure allowing the citizens of Hyrum to vote on whether an increase in sales tax is needed to expand public transportation. *First Reading*~~
 - F. Ordinance 07-08 - An ordinance amending Section 13.16.260 of Title 13 of the Hyrum City Municipal Code to require a utility security deposit for customers owning residential dwellings. *First Reading*
 - G. Resolution 07-15 - A setting the utility security deposit for customers renting or purchasing residential dwellings. *First Reading*
 - H. Ordinance 07-09 - An ordinance amending the Zoning Map and annexing certain real property and extending the

Corporate Limits of Hyrum City, Utah (Don R. Clawson Property). *First Reading*

11. OTHER BUSINESS:
 - A. Delinquent Utility Accounts.
 - B. Consideration and approval of Rolling Hills Subdivision Security Bond.
 - C. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC HEARING:

THE ADOPTION OF FISCAL 2007-2008 OPERATING BUDGETS FOR THE GENERAL FUND, THE CAPITAL PROJECTS FUND, THE CULINARY WATER FUND, THE SEWER FUND, THE ELECTRIC FUND, THE IRRIGATION WATER FUND, THE STORM WATER FUND, AND THE LIBRARY TRUST FUND.

Mayor Howard presented a power point presentation of the 2007-2008 Operating Budgets proposal. The presentation included pictures of the current fiscal year's projects and proposed projects for the coming year.

ACTION Councilmember James made a motion to open the public hearing at 7:10 p.m. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

After no public comment, Mayor Howard closed this portion of the public hearing at 7:11 p.m.

THE PROPOSED TRANSFER OF \$100,000 EACH FROM THE WATER UTILITY, SEWER UTILITY, AND ELECTRIC UTILITY TO THE CAPITAL PROJECTS FUND DURING 2006-2007. ALSO THE PROPOSED TRANSFER OF \$150,000 FROM THE WATER UTILITY AND \$50,000 FROM THE ELECTRIC UTILITY FOR 2007-2008.

After no public comment, Mayor Howard closed this portion of the public hearing at 7:11 p.m.

SETTING THE MUNICIPAL TAX RATE FOR 2007-2008.

After no public comment, Mayor Howard closed this portion of the public hearing at 7:12 p.m.

SETTING SALARIES OF ELECTED AND APPOINTED OFFICIALS AND OTHER MUNICIPAL EMPLOYEES FOR 2007-2008, AND AMENDING SECTION 2.12.010 OF THE HYRUM CITY MUNICIPAL CODE.

After no public comment, Mayor Howard closed this portion of the public hearing at 7:12 p.m.

ADJUSTMENTS TO THE 2006-2007 GENERAL AND ENTERPRISE OPERATING BUDGETS.

After no public comment, Mayor Howard closed this portion of the public hearing at 7:13 p.m.

ACTION **Councilmember Stipes made a motion to close the public hearing at 7:13 p.m. Councilmember Felix seconded the motion and all four councilmembers present voted aye.**

SCHEDULED DELEGATIONS:

PAUL BERNTSON, CACHE COUNTY BUILDING INSPECTOR - TO PRESENT THE ANNUAL BUILDING INSPECTION REPORT.

Paul Berntson with the Cache County Building Inspection Office said over the past several years the number of building permits issued annually for Hyrum continues to slightly increase. However, the number of single dwelling building permits decreased from 39 in 2005 to 34 in 2006. Cache County issued 90 building permits for Hyrum in 2006, the following is a breakdown of those permits: 34 single dwellings; 6 commercial; 11 home additions; 10 electrical; 5 gas; 1 manufactured home; 12 miscellaneous; and 11 sheds. He has talked with City employees about the County inspecting commercial buildings on an annual basis. Several cities conduct a fire and building inspection to ensure the building is safe and it meets codes. Before the County can begin an annual inspection of commercial businesses the City has to adopt an ordinance authorizing it.

Mayor Howard said an ordinance will need to be written to allow the City to inspect commercial buildings annually. He expressed his appreciation to Paul for his work this past year.

JEFF BALLARD, C&C SERVICES - TO REQUEST SITE PLAN APPROVAL FOR THE SECOND BUILDING ON ANVIL ROAD A PLASTIC SORTING & SHIPPING BUSINESS.

Jeff Ballard said he wants to move his plastic sorting business to Hyrum City's Industrial Park. He has six employees and is not planning on increasing the number of employees working for him at the present time. There will be no outside storage except for a 30' roll off bin.

Zoning Administrator Ron Salvesen said the Planning Commission recommended site plan approval on June 14, 2007 with the following conditions: 1.) The dry sump hole be covered and landscaped; and 2.) Amend the site plan to show where the dumpster is located.

Councilmember Rasmussen said he agrees with the Planning Commission there needs to be additional landscaping around the building. He also questioned the radius of the parking spaces.

Zoning Administrator Ron Salvesen said Hyrum City Engineer Craig Neeley and the Cache County Building Inspector will review the site plan before an occupancy permit is given.

ACTION Councilmember James made a motion to approve the site plan for C&C Services located in the second building on Anvil Road for a plastic sorting and shipping business with the following conditions: 1.) The dry sump hole be covered and landscaped; and 2.) Amend the site plan to show where the dumpster is located. Councilmember Stipes seconded the motion and all four councilmembers present voted aye.

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS - TO REQUEST SITE PLAN APPROVAL AT 675 WEST 100 NORTH FOR A CHURCH HOUSE.

Zoning Administrator Ron Salvesen said on June 14, 2007 the Planning Commission recommended site plan approval for the Church of Jesus Christ of Latter Day Saints for a church house at 675 West 100 North with the condition that a detailed landscaping plan be submitted to the City.

ACTION Councilmember Rasmussen made a motion to approve the site plan ~~approval~~ for the Church of Jesus Christ of Latter Day Saints for a church house at 675 West 100 North with the condition that a detailed landscaping plan be submitted to the City and the site plan drawing be amended to include the radius of street corners. Councilmember James seconded the motion and all four councilmembers present voted aye.

AMENDED
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AMENDED
07-19-07

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 07-11 - A RESOLUTION AMENDING THE 2006-2007 GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND OPERATING BUDGETS. FIRST READING

ACTION Councilmember Stipes made a motion to waive the first reading rule for Resolution 07-11, Resolution 07-12, Resolution 07-13, and Ordinance 07-07. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

ACTION Councilmember Stipes made a motion to approve Resolution 07-11 amending the 2006-2007 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets; Resolution 07-12 establishing the Municipal Certified Tax Rate for Fiscal 2007-2008; Resolution 07-13 approving and adopting the Fiscal 2007-2008 operating budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund, Irrigation Water Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund; and Ordinance 07-07 amending Chapter 2.12, Section

2.12.010 of the Hyrum City Municipal Code, to provide for adjustments in the salaries of officers and employees of Hyrum City. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

RESOLUTION 07-12 - A RESOLUTION ESTABLISHING THE MUNICIPAL CERTIFIED TAX RATE FOR FISCAL 2007-2008. FIRST READING

Resolution 07-12 was approved with Resolution 07-11.

RESOLUTION 07-13 - A RESOLUTION APPROVING AND ADOPTING THE FISCAL 2007-2008 OPERATING BUDGETS FOR HYRUM CITY'S GENERAL FUND, CULINARY WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION WATER FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND. FIRST READING

Resolution 07-13 was approved with Resolution 07-11.

ORDINANCE 07-07 - AN ORDINANCE AMENDING CHAPTER 2.12, SECTION 2.12.010 OF THE HYRUM CITY MUNICIPAL CODE, TO PROVIDE FOR ADJUSTMENTS IN THE SALARIES OF OFFICERS AND EMPLOYEES OF HYRUM CITY. FIRST READING

Ordinance 07-07 was approved with Resolution 07-11.

ORDINANCE 07-08 - AN ORDINANCE AMENDING SECTION 13.16.260 OF TITLE 13 OF THE HYRUM CITY MUNICIPAL CODE TO REQUIRE A UTILITY SECURITY DEPOSIT FOR CUSTOMERS OWNING RESIDENTIAL DWELLINGS. FIRST READING

Mayor Howard said in the past several years more and more homeowners are leaving town without paying off his/her utility bill. This past year twenty out of forty one accounts that have skipped town without paying utility bill were homeowners. Hyrum City requires a \$200 deposit for someone renting a house to put the utilities in his/her name, but does not require a deposit for someone purchasing a house. Due to the increase in homeowners leaving Hyrum without paying the utility bill, City staff is recommending a utility security deposit for customers owning residential dwellings. Ordinance 07-08 amends Section 13.16.260 to allow Hyrum City to require a utility deposit for homeowners and Resolution 07-15 sets the utility deposit at \$200 for homeowners and renters.

ACTION Councilmember Stipes made a motion to waive the first reading rule for Ordinance 07-08 and Resolution 07-15.

Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

ACTION Councilmember Stipes made a motion to approve Ordinance 07-08 amending Section 13.16.260 of Title 13 of the Hyrum City Municipal Code to require a utility security

deposit for customers owning residential dwellings; and Resolution 07-15 setting the utility security deposit for customers renting or purchasing residential dwellings. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

RESOLUTION 07-15 - A SETTING THE UTILITY SECURITY DEPOSIT FOR CUSTOMERS RENTING OR PURCHASING RESIDENTIAL DWELLINGS. FIRST READING

Resolution 07-13 was approved with Ordinance 07-08.

ORDINANCE 07-09 - AN ORDINANCE AMENDING THE ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (DON R. CLAWSON PROPERTY). FIRST READING

Mayor Howard said on June 15, 2006 the City Council approved Resolution 06-08 to consider annexing 36.55 acres of real property located at approximately 600 South 800 East. The annexation petition was certified on July 20, 2006 and a public hearing to discuss the annexation was held at the August 17, 2006 City Council Meeting. The annexation petitioners did not want the property annexed until the City adopted the amendments to Title 16 that allowed water shares to be turned into the City upon development rather than annexation. Recently the City Council adopted the above ~~the~~ revisions to Title 16 and the developer is now ready for the City Council to consider his annexation request. The developer has agreed to the conditions in the annexation agreement and the annexation agreement is included in Ordinance 07-09.

AMENDED
07-19-07

City Administrator D. Brent Jensen said the City Council recently raised the price of the Cache Valley Ranch Association Water from \$2,500 to \$3,500 per acre foot. Since the developer inquired about the water shares prior to the increase he will be offered the water from \$2,500 an acre foot.

ACTION Councilmember James made a motion to waive the first reading rule for Ordinance 07-09. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

ACTION Councilmember James made a motion to adopt Ordinance 07-09 amending the Zoning Map and annexing certain real property and extending the corporate limits of Hyrum City of Hyrum City, Utah (Don Clawson Annexation). Councilmember Felix seconded the motion and all four councilmembers present voted aye.

OTHER BUSINESS:

DELINQUENT UTILITY ACCOUNTS.

Mayor Howard reviewed the list of delinquent utility accounts. The total proposed write-off is \$11,477.51 for the Fiscal Year 2006-2007.

ACTION Councilmember James made a motion to approve the list of Fiscal Year 2006-2007 Delinquent Utility Accounts, in the amount of \$11,477.51 as a write-off. Councilmember Stipes seconded the motion and all four Councilmembers present voted aye.

CONSIDERATION AND APPROVAL OF ROLLING HILLS SUBDIVISION SECURITY BOND.

Mayor Howard said Cache Valley Bank issued an Irrevocable Letter of Credit in the amount of \$425,000 for Rolling Hills Subdivision's Security Bond. The letter of credit expires May 30, 2008.

ACTION Councilmember James made a motion to approve the letter of credit for Rolling Hills Subdivision. Councilmember Rasmussen seconded the motion and all four Councilmembers present voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said Councilmember Miller is busy working on the July 4th Celebration and is doing an excellent job.

Councilmember Stipes said he has ordered cut resistant gloves for the Mayor and Councilmembers to cut watermelon on the 4th of July.

Councilmember James said he is working on the National Night Out Against Crime that is scheduled for August 7.

ADJOURNMENT:

ACTION There being no further business before the Council, the Council Meeting adjourned at 8:10 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: July 19, 2007 _____
As Amended