

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD NOVEMBER 19, 2009
AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Pro Tempore Craig Rasmussen

ROLL CALL: Councilmembers Martin L. Felix, Paul C. James, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen.

EXCUSED: Mayor W. Dean Howard

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

OTHERS PRESENT: City Administrator D. Brent Jensen, and eighteen citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Pro-Tempore Rasmussen welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Boy Scout Bradley Jenkes led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember James

APPROVAL OF MINUTES:

The minutes of October 29, 2009 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of October 29, 2009 as written. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

The minutes of November 5, 2009 were amended on Page 101, Paragraph 3, after "Therefore, the daily electrical costs becomes" change "\$1.59" to "\$14.59".

ACTION Councilmember LaBau made a motion to approve the minutes of November 5, 2009 with the above amendment. Councilmember Miller seconded the motion and all five councilmembers voted aye.

The minutes of November 12, 2009 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of November 12, 2009 as written. Councilmember Felix 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, posted on the State of Utah Public Notice website, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

ACTION Councilmember Miller made a motion to approve the agenda as written. Councilmember LaBau seconded the motion and all five councilmembers present voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:
 - A. Jeff Jackson, Miller Brothers Planned Unit Development-
To request preliminary plat approval for Miller Brothers Planned Unit Development consisting of three lots located at approximately 550 South 200 East.
9. INTRODUCTION AND ADOPTION OF RESOLUTIONS:
 - A. Resolution 09-15 - A resolution renewing a Recycling Market Development Zone program.
 - B. Resolution 09-16 - A resolution adopting the National Incident Management Systems (NIMS).
10. OTHER BUSINESS:
 - A. Budget report.
 - B. Purchase of gateway property.
 - C. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

JEFF JACKSON, MILLER BROTHERS PLANNED UNIT DEVELOPMENT - TO REQUEST PRELIMINARY PLAT APPROVAL FOR MILLER BROTHERS PLANNED UNIT DEVELOPMENT CONSISTING OF THREE LOTS LOCATED AT APPROXIMATELY 550 SOUTH 200 EAST.

Jeff Jackson with Mount Sterling Construction said Mark, Kris, and James Miller asked him to represent them at tonight's meeting. Mark, Kris, and James want to subdivide their land at approximately 550 South 200 East into three lots. On November 5, 2009 the City Council approved the concept plan with the following conditions: 1) The public utility easement located adjacent to the road be shown on the plan; 2) The road be set back five feet from the fence for snow removal; 3) A complete set of CC&R's be submitted with the final plat; 4) Construction drawings be approved by the City Engineer before any further homes are constructed; 5) A maintenance agreement for the road be included in the CC&R's; and 6) An amendment to the plat be required for future development of the remainder parcel not included in the Planned Unit Development.

Jeff Jackson said the road will not be owned by the Home Owner's

Association (HOA), but it will be maintained by the HOA.

Zoning Administrator Ron Salvesen said on November 12, 2009 the Planning Commission recommended approval of the Miller Brothers Planned Unit Development with the following conditions: 1) A complete copy of the CC&R's must be submitted with the final plat; 2) A note on the final plat regarding lots owners are equally responsible for road improvements and maintenance; and 3) Construction drawings for public utility extensions be approved by the City Engineer before any other houses are constructed.

Councilmember LaBau said the CC&R's prohibit signs on any lot or upon any structure on the lot except a sign displayed in connection with the sale of the premises. If the CC&R's are recorded as presented a home occupation business license or political signs would not be allowed.

ACTION

Councilmember James made a motion to approve the preliminary plat for Miller Brothers Planned Unit Development with the following conditions: 1) A complete copy of the CC&R's must be submitted with the final plat; 2) A note on the final plat regarding lots owners are equally responsible for road improvements and maintenance; 3) Construction drawings for public utility extensions be approved by the City Engineer before any other houses are constructed; and 4) The developers review the CC&R's to ensure they do not want signs allowed. Councilmember Miller seconded the motion.

Mayor Pro-Tempore Rasmussen questioned whether the City should allow the Miller brothers to install the utilities when the lots are built upon or if the utilities should be installed now. The lots may not be built upon for several years and City standards may change by then.

Jeff Jackson said the City could with hold building permits until all of the utilities are installed and the Planning Commission and City Council have approved the plans. To address this issue the following statement is on the preliminary plat: "When building permits are applied for on any of these lots the plans for the structure must be submitted to the Hyrum City Planning Commission for the architectural review process."

Mayor Pro-Tempore recommended amending Councilmember James' motion to include the following statement be on the final plat, "When building permits are applied for on any of these lots the plans for the structure must be submitted to the Hyrum City Planning Commission for the architectural review process." Councilmember James and Councilmember Miller accepted Mayor Pro-Tempore

Rasmussen's amendment to the motion. Mayor Pro-Tempore Rasmussen called for a vote on the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF RESOLUTIONS:

RESOLUTION 09-15 - A RESOLUTION RENEWING A RECYCLING MARKET DEVELOPMENT ZONE PROGRAM.

ACTION Councilmember LaBau made a motion to approve Resolution 09-15 renewing a Recycling Market Development Zone Program. Councilmember Miller seconded the motion and all five councilmembers voted aye.

RESOLUTION 09-16 - A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS).

Blake Christensen said Homeland Security Presidential Directive established the National Incident Management Systems (NIMS). The NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management. In order to be eligible for federal funding and/or grants the City has to adopt the NIMS as its system of preparing for and responding to disaster incidents.

ACTION Councilmember LaBau made a motion to approve Resolution 09-16 adopting the National Incident Management Systems (NIMS). Councilmember Felix seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

BUDGET REPORT.

City Administrator D. Brent Jensen reviewed the budget and utility funds. There has been a significant drop in sales tax revenue this year from the City's second and third largest sales tax contributors. Electric costs continue to increase and the City may have to raise electric rates in the near future.

Mayor Howard has compiled a list of Capital Improvement projects:
Low Priority: Hammer substation, dog pound, boulevard, canyon trail, and adding the southeast fields to pressurized irrigation system.

Medium Priority: Widening of 600 East; 300 South sidewalks; culinary water reservoir; city office remodel; storage building; additional irrigation pond; and finish paving all dirt roads in Hyrum.

Medium High Priority: Salt Hollow Park, 46k line on Hammer Road,

effluent use, irrigation divider in ponds removed, widen 300 North 600 East, and the O'Berry Canal diversion.

High Priority - Truck wash bay, widening of 1300 East, develop the west end of Blacksmith Park, fire station, west entry sign, and alum reduction at sewer plant.

The City Council discussed the development of Salt Hollow Park. The park should be designed with a sleigh riding hill and water park.

Mayor Pro-Tempore Rasmussen suggested the City Council hold a special meeting in January to discuss the list of Capital Improvement projects and how these projects are going to be funded.

PURCHASE OF GATEWAY PROJECT.

City Administrator D. Brent Jensen said Curtis Knight recently purchased 11 acres from Mike Larsen just north of his house for the purpose of building storage units. Mike offered the land to the city before Knight for \$275,000. Based on Mayor Howard's feelings and initial Council response Mike was told the City couldn't afford it. If the City does not buy it there will be rows of storage units just west of the City's gateway sign. He worries that someone in the future, knowing of the city's opportunity to prevent it, might wonder what it was thinking. After reviewing the list of Capital Improvement projects and revenue shortfalls it may not be in the City's best interest to purchase Mike Larsen's property.

The City Council agreed the City does not have the resources to buy up property along its borders to control development.

MAYOR AND CITY COUNCIL REPORTS.

ADJOURNMENT:

ACTION **There being no further business before the City Council, the Council Meeting adjourned at 8:25 p.m.**

Craig L. Rasmussen
Mayor Pro-Tempore

ATTEST:

Stephanie Fricke
City Recorder

Approved: December 3, 2009
As Written