

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JUNE 19, 2008 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Pro-Tempore Stephanie Miller

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

EXCUSED: Mayor W. Dean Howard, and Councilmembers Thomas C. LaBau, and Craig Rasmussen.

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

OTHERS PRESENT: City Administrator D. Brent Jensen, City Treasurer Lynn Coulam, Animal Control Officer Kirt Lindley, and seven citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

INVOCATION: Councilmember Felix

APPROVAL OF MINUTES:

The minutes of the regular meeting held on June 5, 2008 were amended as follows: Page 99, Paragraph 8, after "... in Phase I-B if there were" add "not"; Page 101, Paragraph 1, after "... Attorney Brian Cannell" change "charge" to "charges"; Page 101, Paragraph 6, after "... grandfathered building" change "be" to "being"; and Page 102, Paragraph 1, change "businesses and buildings granted approval..." to "Businesses and buildings are granted approval...".

ACTION Councilmember James made a motion to approve the minutes of the regular meeting held on June 5, 2008 with the above amendments. Councilmember Felix seconded the motion and all three councilmembers present voted aye.

The minutes of a special meeting held on June 5, 2008 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of a special meeting held on June 5, 2008 as

written. Councilmember Felix 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.

ACTION Councilmember James made a motion to approve the agenda as written. Councilmember Felix seconded the motion and all three councilmembers present voted aye.

AGENDA

8. PUBLIC HEARING:
 - A. Adjustments to the 2007-2008 General and Enterprise Operating Budgets.
9. SCHEDULED DELEGATIONS:
 - A. Myron Goodsell - To discuss barking dogs in Hyrum.
 - B. Rachel Robinson - To discuss the Tri-Utah Triathlon held on June 21 at the Hyrum State Park.
10. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:
 - A. Resolution 08-23 - A resolution amending the 2007-2008 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, Debt Service Fund, and Library Trust Fund Operating Budgets.
 - B. Resolution 08-24 - A resolution setting the monthly sewer service rates for commercial users.
 - C. Ordinance 08-16 - An ordinance amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code by making Chapter 17.32 the Residential R-3 Zone and Chapter 17.38 the Residential Agriculture R-A Zone.
11. OTHER BUSINESS:
 - A. Consideration and approval of an Interlocal Agreement with Cache County for a Bicycle Signage Project.
 - B. Tentative adoption of the 2008-2009 Operating Budgets.
 - C. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC HEARING:

ADJUSTMENTS TO THE 2007-2008 GENERAL AND ENTERPRISE OPERATING BUDGETS.

ACTION Councilmember Felix made a motion at 6:40 p.m. to open the public hearing for the adjustments to the 2007-2008 General and Enterprise Operating Budgets. Councilmember James seconded the motion and all three councilmembers voted aye.

City Treasurer Lynn Coulam reviewed the proposed adjustments to

the 2007-2008 General and Enterprise Operating Budgets.

General Fund Revenues - The City received more money in sales tax than anticipated; \$198,000 Federal Grant for the new library was received; and Court fines were lower than expected.

General Fund Expenditures - The road projects started last year were higher than projected; Solid Waste expenditures were higher than expected because the City didn't know what effect the recycling charges would have on the garbage bills; and more money was spent on engineering services due to numerous development projects last fall.

Debt Service Fund - The Debt Service Fund was not set up when the budget was adopted last June. The Debt Service Fund holds the money being used to pay for the library bond.

Capital Projects Fund - The majority of the money being held in the Capital Projects Fund was transferred into the Debt Service Fund for the library bond.

Culinary Water Fund - \$246,180 worth of water rights were purchased from the Cache Valley Ranch Association. The City had not budgeted any money for the purchase of these water rights.

Sewer Fund - Building improvements were needed and the cost of utilities were higher than expected.

Electric Fund - The price of power exceeded expectations along with the cost of the Hydroplant Relicensing Project and the 46KV Line Project.

Irrigation Fund - The improvements to Irrigation Well #2 (800 East 300 South) exceeded anticipated costs.

Storm Water Fund - Money was budgeted to improve the retention basins in Hyrum, but this project was postponed until 2008-2009.

Myron Goodsell asked if the City had ever looked into generating wind power at the mouth of Blacksmith Fork Canyon.

City Administrator D. Brent Jensen said a study was conducted in the late 1990's to determine if a wind power farm was feasible at the mouth of Blacksmith Fork Canyon. Wind readings were measured everyday for over a year and it was determined that there was not a consistent amount of wind that blew each day. Since then Hyrum City has invested into a wind power farm in Wyoming and is looking at investing into another one in Idaho.

ACTION

Councilmember James made a motion, after no further public comment, at 6:45 p.m. to close the public hearing for the adjustments to the 2007-2008 General and Enterprise Operating Budgets. Councilmember Felix seconded the motion and all three councilmembers voted aye.

SCHEDULED DELEGATIONS:**MYRON GOODSSELL - TO DISCUSS BARKING DOGS IN HYRUM.**

Myron Goodsell said he received a ticket for having his dogs bark and he thinks the City should better inform the citizens on the ordinance prohibiting excessive dog barking. He received a ticket because his dogs were barking in the middle of the day. He didn't realize that barking dogs are considered a nuisance in the middle of the day. He assumed that barking dogs would be similar to the City's noise ordinance, which restricts loud noises between the hours of hours of 10:00 p.m. and 7:00 a.m. He does not think it is fair to issue a barking dog ticket without first giving the owner a warning. He hears dogs barking all night long and has not heard about any of his neighbors receiving a ticket for it.

Animal Control Officer Kirt Lindley said he uses his best judgment when determining whether to issue a warning or a ticket. If there are numerous complaints then he will issue a citation rather than a warning.

Myron Goodsell said he didn't realize there was a problem with his dogs barking or he would have taken care of it. There are dogs barking all over the City and it isn't fair for the City to issue him a ticket and not others.

Mayor Pro-Tempore Miller asked Animal Control Officer Kirt Lindley if it was fair to issue a warning on a first offense for a barking dog rather than issuing a citation.

Animal Control Officer Kirt Lindley said the majority of his calls are about dogs running at large or barking dogs. If he starts issuing warnings on the first offense for barking dogs, then someone will want him to issue a warning rather than citation on the first offense for a dog running at large. He wants to be fair to both the dog owner and the complainant(s), and there are sometimes when a ticket is justified without a warning.

Councilmember James suggested including an article on the dog ordinance in the next City newsletter.

RACHEL ROBINSON - TO DISCUSS THE TRI-UTAH TRIATHLON HELD ON JUNE 21 AT THE HYRUM STATE PARK.

John Anderson with Tri-Utah Triathlon said he wanted to inform the City of the triathlon being held at the Hyrum State Park on Saturday, June 21, 2008. This is the third year that the triathlon has been held at the Hyrum State Park. The Mountain Crest Cross Country Team helps with setting up the event and in return money from the event is donated to the Cross Country Team. This year 320 athletes have registered to participate in the

triathlon. The race starts at 8:00 a.m. and should be over by 11:30 a.m.

Councilmember James suggested that they move the triathlon to the same weekend as the Hyrum Rodeo so that it could be included in with the City's July 4th Celebration.

John Anderson said he would consider moving the triathlon to the last week in June so that it could be held in conjunction with the City's July 4th Celebration.

INTRODUCTION AND ADOPTION OF AN ORDINANCE AND RESOLUTIONS:

RESOLUTION 08-23 - A RESOLUTION AMENDING THE 2007-2008 GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, DEBT SERVICE FUND, AND LIBRARY TRUST FUND OPERATING BUDGETS.

ACTION Councilmember James made a motion to approve Resolution 08-23 amending the 2007-2008 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, Debt Service Fund, and Library Trust Fund Operating Budgets. Councilmember Felix seconded the motion and all three councilmembers voted aye.

RESOLUTION 08-24 - A RESOLUTION SETTING THE MONTHLY SEWER SERVICE RATES FOR COMMERCIAL USERS.

Mayor Pro-Tempore Miller said the current sewer rate schedule for commercial businesses does not differentiate between a commercial business using 1,000 gallons of water per month and a commercial business using 70,000 gallons of water per month. City staff is recommending amending the commercial sewer rate schedule by replacing the existing commercial sewer rate schedule with one that has a lower rate for commercial businesses using less than 10,000 gallons of water per month.

ACTION Councilmember Felix made a motion to approve Resolution 08-24 setting the monthly sewer service rates for commercial users. Councilmember James seconded the motion and all three councilmembers voted aye.

ORDINANCE 08-16 - AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE BY MAKING CHAPTER 17.32 THE RESIDENTIAL R-3 ZONE AND CHAPTER 17.38 THE RESIDENTIAL AGRICULTURE R-A ZONE.

Mayor Pro-Tempore Miller said currently the Residential R-3 Zone does not exist. The Residential R-3 Zone was originally adopted as Chapter 17.32, however, the Residential Agriculture R-A Zone was also adopted as Chapter 17.32. Ordinance 08-16 renumbers the

Residential R-3 Zone as Chapter 17.32 and the Residential Agriculture R-A Zone as Chapter 17.38.

ACTION Councilmember James made a motion to approve Ordinance 08-16 amending Title 17 of the Hyrum City Municipal Code by making Chapter 17.32 the Residential R-3 Zone and Chapter 17.38 the Residential Agriculture R-A Zone. Councilmember Felix seconded the motion and all three councilmembers voted aye.

OTHER BUSINESS:

CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT WITH CACHE COUNTY FOR A BICYCLE SIGNAGE PROJECT.

City Administrator D. Brent Jensen said the CMPO has been working to identify and sign a regional bicycle route for portions of Cache County. The process involved a number of public meetings and coordination with local jurisdictions. Using Federal Funds the CMPO would like to move forward with the installation of bike route signs. The intent is to attempt to sign as much of the route as possible with the \$50,000 that has been allocated. Each jurisdiction has committed to handle the sign installation to cover their portion of local match. There is a proposed bike route on 200 East north of 300 North in Hyrum and he suggested to the CMPO that it consider designating 200 West north of 300 North as the bike route rather than 200 East. The 200 East road is narrower and has a steeper shoulder than 200 West.

The City Council discussed safety concerns with both 200 East and 200 West. Traffic is a great concern on 200 West with the semi-trucks using that road and 200 East isn't wide enough to allow two cars and a bicycle to pass.

ACTION Councilmember James made a motion to approve an Interlocal Agreement with Cache County for the Bicycle Signage Project and for the CMPO to discuss using 200 West as an alternate bicycle route. Councilmember Felix seconded the motion and all three councilmembers voted aye.

TENTATIVE ADOPTION OF THE 2008-2009 OPERATING BUDGETS.

ACTION Councilmember James made a motion to tentatively adopt the 2008-2009 Operating Budgets. Councilmember Felix seconded the motion and all three councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said he has received a couple of complaints

from citizens regarding the number of First Responders that show up at a 911 call. One of the complainants said there were First Responders walking through the house and being disrespectful about the person who had passed away.

City Administrator D. Brent Jensen said he would talk with First Responder President Blake Christensen to make sure this type of behavior doesn't happen again.

Councilmember James said baseball has started and the fields look great. He is working on the National Night Out Against Crime that will be held on August 5.

Mayor Pro-Tempore Miller asked the City Council if it wanted to revisit the cat ordinance, since there is no longer funds available to help with the spay and neutering of feral cats. She has been busy finalizing the details for the July 4th Celebration. She asked the City Council if it wanted to hold its regularly scheduled City Council Meeting on July 3.

ACTION **Councilmember James made a motion to cancel the regularly scheduled City Council Meeting on July 3, 2008. Councilmember Felix seconded the motion and all three councilmembers voted aye.**

ADJOURNMENT:

ACTION **There being no further business before the Council, the Council Meeting adjourned at 7:50 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: July 17, 2008
As Written