

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD DECEMBER 6, 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, Douglas L. Stipes,  
Paul C. James, Stephanie Miller, and Craig L. Rasmussen present.

**EXCUSED:** None

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

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning  
Administrator Ron Salvesen, and eight citizens. Secretary  
Stephanie Eggleston recorded the minutes.

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

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

**INVOCATION:** Councilmember Miller

**MINUTES:**

The minutes of October 18, 2007 were approved as written.

**ACTION** Councilmember James made a motion to approve the  
minutes of October 18, 2007 as written. Councilmember  
Rasmussen seconded the motion and all five  
councilmembers present voted aye.

The minutes of November 1, 2007 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the  
minutes of November 1, 2007 as written. Councilmember  
Miller seconded the motion and all five 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 Stipes made a motion to approve the  
agenda as written. Councilmember James seconded the  
motion and all five councilmembers present voted aye.

## AGENDA

8. PUBLIC HEARING:
  - A. To receive public comment concerning a proposal to repeal Section 5.08.160 prohibiting beer sales on Sunday.
9. SCHEDULED DELEGATIONS:
  - A. Jeff Covert - To request a Home Occupation Business License at 260 South 700 East for an automobile repair shop.
10. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:
  - A. Resolution 07-26 - A resolution creating an electrical power rate for a renewable energy option for residential customers receiving electrical power from the Hyrum City Power System. *First Reading*
  - B. Resolution 07-27 - A resolution approving Hyrum City's Safety and Accident Prevention Manual. *First Reading*
  - C. Ordinance 07-16 - An ordinance amending Section 5.08.160 of Title 5 (the Business License and Regulation Ordinance) of the Hyrum City Municipal Code to allow holders of a Class A Retail License to sell beer on Sundays. *First Reading*
11. OTHER BUSINESS:
  - A. Consideration and approval of a Limited Delegation Agreement with UAMPS.
  - B. Mayor and City Council reports.
12. ADJOURNMENT

**PUBLIC HEARING:**

**ACTION**            **Councilmember Stipes made a motion to open the public hearing. Councilmember Miller seconded the motion and all five councilmembers present voted aye.**

Mayor Howard began the public hearing by inviting anyone present to speak on the matter of selling beer on Sunday. He asked everyone to keep their comments to two and a half minutes.

Tom LaBau introduced himself as a 47 year resident of Hyrum City. He said he doesn't believe a one day a week ban will improve the public health, safety or welfare, which is the purpose of the municipal code. The ban is an outdated icon of religious preference. As a believer in minority rights and separation of church and state, he supports the lifting of the ban.

Jeff Covert said from a religious standpoint he agrees the beer shouldn't be sold on Sunday, but from a business standpoint he has to side with the business owners.

Business owner Pete Kendrick said he has spoken to some people who feel that those who are going to drink beer on Sunday will find a way to do so whether they can buy it here in Hyrum or in Nibley. Maybe they'll buy it on Saturday but not necessarily.

Times are hard right now to make ends meet. Overhead expenses are high as well as labor, so he needs every edge possible to help him.

Mayor Howard asked if there are any other comments. There were none.

**ACTION**            **Councilmember Stipes made a motion to close the public hearing. Councilmember James seconded the motion and all five councilmembers present voted aye.**

***SCHEDULED DELEGATIONS:***

**JEFF COVERT - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 260 SOUTH 700 EAST FOR AN AUTOMOBILE REPAIR SHOP.**

Jeff Covert said he is asking for a temporary home occupation business license to conduct his business of car repair at his home. He pointed out the building he has in Paradise for his business has burned down and he had no insurance. It's created a difficult situation for him and his family. He's hoping to get his building back up in Paradise sometime next year, so the business license would be temporary.

Councilmember James asked if granting a one year license will work for Mr. Covert. He will have to come back in a year if he needs an extension. Mr. Covert said that would be great and restated it would be a temporary thing.

Mr. Covert submitted a list of his neighbors with whom he has spoken and said they have all indicated that they don't mind the business being there.

Mayor Howard asked if Mr. Covert will be working late at night. Mr. Covert said no, only until 7 or 8 p.m. at night. The city code states the hours of business can only be between 7:00 a.m. and 9:00 p.m.

City Administrator Brent Jensen stated one of the things the city is concerned about is the accumulation of vehicles that are waiting to be repaired either on private property or on city property.

Mr. Covert said he has a flat bed trailer he uses to haul cars back and forth to Paradise so he doesn't accumulate too many cars in his driveway. He doesn't think it will be a problem. He said the vehicles will always be in his driveway and he is aware of the requirements for snow removal.

Councilmember Rasmussen said on the business license application Mr. Covert stated there is room for six to eight vehicles. He asked if those will be on the street or in the driveway. Mr. Covert said they will be in the driveway or in the garage. Mr.

Covert said he has never had that many there before but usually has only two or three at a time.

Councilmember Rasmussen asked what type of advertisement Mr. Covert is using right now. Mr. Covert said it's just "word of mouth". He would like to be able to use a small sign on the side of his garage. Zoning Administrator Ron Salvesen said Mr. Covert is allowed to put a name plate on the property. He suggested the council put some limitations on the business license to avoid problems in the future with too many cars, no ill effects on the neighborhood, and things like that.

Brent Jensen said one of the problems the city has had in the past with granting business licenses such as this is managing the inventory of vehicles at the residence. Sometimes it takes time to get parts in and get things fixed. The vehicles seem to multiply and the city has had problems with that in the past.

Councilmember James asked Mr. Covert what a reasonable number of cars would be for him to have at his home. Mr. Covert said probably no more than four to six cars at a time. Councilmember James asked if Mr. Covert would be agreeable to limit the number of cars to four cars plus Mr. Covert's personal vehicles. Mr. Covert agreed.

**ACTION**

**Councilmember Miller made a motion to grant Jeff Covert a one year temporary Home Occupation Business License which expires 12/31/2008, for car repair with the following stipulations: there is a limit of four cars other than his own and no negative impact on the neighborhood. Councilmember James seconded the motion and all five councilmembers present voted aye.**

Ron Salvesen suggested to the council that a time of business operation be included in the motion. Councilmember James said it had been stated previously in the minutes as 7:00 a.m. - 9:00 p.m.

Mr. Covert had a question about signage. Ron Salvesen said he could meet with Mr. Covert and go over the signage requirements with him.

***INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCE:***

**RESOLUTION 07-26 - A RESOLUTION CREATING AN ELECTRICAL POWER RATE FOR A RENEWABLE ENERGY OPTION FOR RESIDENTIAL CUSTOMERS RECEIVING ELECTRICAL POWER FROM THE HYRUM CITY MUNICIPAL POWER SYSTEM.**  
**FIRST READING**

Councilmember Stipes asked Mayor Howard if this is a time sensitive matter. Mayor Howard said no, it doesn't need to be done before the end of the year.

Councilmember Rasmussen asked if the wind energy is calculated the same way the other energy is calculated. Brent Jensen said no, these particular numbers are based on a nationwide average of 27%. The council can set the number at any point it wants to. It can be set at 35% or any number the council approves. The city won't recover the cost at 27%. The city would have to go to the 35% rate to do that.

Councilmember James asked what percentage of wind energy is available. Mayor Howard said about 3%.

Brent Jensen pointed out that only 80% will be available to residents, not available to commercial customers, with a 1000 kwh cap. The average resident uses about 750 kwh per month so the limit is well above the average. Anything used over and above the 1000 kwh will be put back at the regular rate.

Councilmember Stipes asked why the city wouldn't want to allow someone to use 2000 kwh if they wanted to use that amount. Brent Jensen said it would have to be limited to about 120 users with the numbers at hand. Councilmember Rasmussen asked how many customers have asked about green energy to this point. Brent Jensen said none.

Councilmember James asked what the price difference is per kwh between charging 27% or 35%. Brent Jensen said it's about two cents per kwh or about \$20. Councilmember Rasmussen pointed out that those who would like to use the green energy will have to choose to pay more for it because it is so expensive.

Councilmember Stipes asked if the city will be able to track those who are using green energy and when they get to the 80% point. Brent Jensen said yes.

Brent Jensen said the numbers the council has are based on last year's figures and that's one of the reasons the city has limited the use to 80%. Sometimes the wind will blow as expected and sometimes it may not. Mayor Howard said it would be unfair to charge customers for green energy if the wind isn't blowing as expected so there is a margin of error of 20% to cover that possibility.

**ACTION** Councilmember Stipes made a motion to waive the first reading rule for Resolution 07-26. Councilmember James seconded the motion and all five councilmembers present voted aye.

**ACTION** Councilmember Rasmussen made a motion to approve Resolution 07-26 - A resolution creating an electrical power rate for a renewable energy option for residential customers receiving electrical power from

the Hyrum City Municipal Power System. Councilmember James seconded the motion and all five councilmembers present voted aye.

**RESOLUTION 07-27 - A RESOLUTION APPROVING HYRUM CITY'S SAFETY AND ACCIDENT PREVENTION MANUAL. FIRST READING**

**ACTION** Councilmember James made a motion to waive the first reading rule for Resolution 07-27. Councilmember Stipes seconded the motion and all five councilmembers present voted aye.

Councilmember Rasmussen asked if all new city employees will be required to take a test on the material in the manual. Brent Jensen said no, but a new employee will receive the necessary training.

**ACTION** Councilmember James made a motion to approve Resolution 07-27 - A resolution approving Hyrum City's Safety and Accident Prevention Manual. Councilmember Rasmussen seconded the motion.

Councilmember Rasmussen stated that this manual most likely came about due to OSHA regulations. He asked if there have been any cost studies done recently to see if the changes affect the standards that are currently in place. Brent Jensen said the city is in the process of putting together a list of equipment and developing policy. The city will be implementing an improved program and there will be some expense.

Mayor Howard called for a question on the motion and all five councilmembers present voted aye.

**ORDINANCE 07-16 - AN ORDINANCE AMENDING SECTION 5.080.160 OF TITLE 5 (THE BUSINESS LICENSE AND REGULATION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO ALLOW HOLDERS OF A CLASS A RETAIL LICENSE TO SELL BEER ON SUNDAYS. FIRST READING**

**ACTION** Councilmember Stipes made a motion to waive the first reading rule for Ordinance 07-16. Councilmember James seconded the motion and all five councilmembers present voted aye.

Councilmember James asked if it is necessary to state which class of business is allowed to sell beer on Sunday and then in the next paragraph state the exact opposite which defines the class of business which is not allowed to sell beer on Sunday. Brent Jensen said it should be spelled out both ways for clarification so there is no question about it.

Councilmember James also stated most cities that have a nice

restaurant allow them to serve alcohol with meals. They are affected by this ordinance as well. He asked if the council should consider that issue at this time. Brent Jensen said it would come up when the business came before the council anyway. Councilmember James clarified the city does not have any Class D businesses at this time.

Councilmember Stipes said that in order for a Class D business to sell alcohol they would have to come before the council to get a license anyway. Councilmember James suggested eliminating Class D from the list right now. The city council has been talking about promoting a nice restaurant here in Hyrum so why would the council want to discourage that. Councilmember Stipes restated the restaurant would have to come before the council to get a license anyway so striking "D" from the ordinance would be appropriate.

**ACTION**

**Councilmember Stipes made a motion to approve Ordinance 07-16 - An ordinance amending section 5.080.160 of Title 5 (the Business License and Regulation Ordinance) of the Hyrum City Municipal Code to allow holders of a class A retail license to sell beer on Sundays with the following changes: strike 1., second paragraph, first sentence, "or D" to read Class B or C, and strike 1., last paragraph beginning "Holders of a". Councilmember James seconded the motion.**

Councilmember Rasmussen said he has done a little bit of research on the issue. Mr. Kendrick pointed out that the Chevron Sunday sales are down but there wasn't anything said about how Chevron is doing the rest of the week since the Maverick store opened up. He said he would like to know the comparison to the rest of the week and if it's just a Sunday thing or not. This has been primarily presented to the council to level the playing field for gas station convenience store establishments. That is not a valid argument or justification for changing the ordinance because there is no such thing as a level playing field. Things have to be looked at such as location and the cost of other amenities that they are selling. For example, Chevron has a restaurant in the building and Maverik doesn't so should Chevron close their restaurant so Maverik has a level playing field. The beer prices are different. The whole display arena is different because Maverick is a new store, a big facility with a big walk-in cooler. There is no way to present a level playing field.

If the council approves this ordinance, it will allow Ridley's to sell alcohol as well. Right now with the holiday advertisements at Ridley's there is at least a \$2 to \$3 difference in price for packaged alcohol. That's not going to help Chevron very much. If Ridley's can sell it at that price then a significant number of customers may think they can go to Ridley's and just get it cheaper. Trying to create a level playing field does not justify

changing this ordinance.

This whole nation we live in is based on and founded on the morals of the people. The fact that we sell alcohol on six days of the week is a state law but we do have control over Sunday. Everything that we decide in this life should be based on morals.

He stated he is not in favor of changing this ordinance because Chevron thinks it will help them financially. It won't have a substantial effect on their business.

Councilmember Miller said anytime a business has a product to sell it will almost always be cheaper at a grocery store. Businesses should have the right to sell alcohol if they choose. The council has had a reputation in the past of not supporting local business and it's time to put our support behind them. She said it doesn't make much sense because a person can choose whether to buy alcohol on Sunday or not and she doesn't feel like she can tell people what to do in that regard. It won't make much of a difference where it's just one day a week. She said the city doesn't have the right to say that one day a week a person can't buy beer because of religious beliefs.

Councilmember James said he doesn't think this should be an issue on alcohol consumption or buying it on Sunday. He said the city should educate and teach the public to be responsible. If people are going to be drinking they need to be responsible drinkers. If they are going to be smokers they need to be of age. The city needs to concentrate on the education of responsible drinking. Councilmember Rasmussen said that type of education is pretty much taught in school at just about every grade level.

Councilmember Felix said if the city looks at it as a moral issue then the sale of cigarettes needs to be banned as well. It's the same kind of thing. The city can't say one thing is bad for you and against your morals and then sell something that is just as bad. The public has to make a choice. We make our own choices and they have to make their own choices. We can't stipulate what the public can or can't do on a certain day of the week when it is available on the other days of the week. It's an antiquated law. The majority of other communities that have banned beer sales on Sunday have repealed it.

Councilmember Rasmussen asked Councilmember Felix what is meant by saying it's an antiquated law. Councilmember Felix said the law was probably put into place at a time when the communities were a majority LDS. Councilmember Rasmussen said this was not an LDS thing. Many states have had this law with very little LDS influence. This has been on the books a lot longer than that. Councilmember Felix said he would like to have a good reason why this law was set up. Councilmember Rasmussen said it was set up because people had values and morals and thought of Sunday as a day that should be set apart a little different than other days. Councilmember Felix said it is just like shopping on Sunday. If

shopping on Sunday is allowed then all the products that are available to buy on any other day of the week should be available to buy on Sunday as well.

Councilmember Miller said not having beer available on Sunday could make a difference as to whether someone who wants to buy it will just buy it here and stay here rather than travel somewhere else to buy it. The tax dollars stay here. It's a safer situation. She agrees with Councilmember Felix that if this is the way a person feels about shopping on Sunday then that is their choice. The city shouldn't tell someone they can't shop on Sunday but allow them the choice.

Mayor Howard asked if there is anything new on the subject. There was nothing else.

**Mayor Howard asked for a vote from each individual councilmember. Councilmember Felix voted aye. Councilmember Stipes voted aye. Councilmember James voted aye. Councilmember Rasmussen voted nay. Councilmember Miller voted aye. The motion carries.**

Mayor Howard said he appreciates the differing opinions of the council members. If council members always agree on everything then the city has a problem too. Please know that because there are differing opinions at times that it doesn't make it a bad thing. It's a good thing. He thanked everyone.

***OTHER BUSINESS:***

**CONSIDERATION AND APPROVAL OF A LIMITED DELEGATION AGREEMENT WITH UAMPS.**

Mayor Howard said this is a bit complicated. FERC requires each of the entities that have power through them to file reports. A lot of the things that are required aren't too complicated but they are time consuming so UAMPS is going to be doing it for those who want to delegate that authority to them.

Brent Jensen said it's basically another way to track reliability on a nationwide grid and in order to do that they have to have certain data from each of the different entities. UAMPS has been providing this for the city for quite some time now. Under the new regulations the city has to have a more formal agreement. This agreement authorizes UAMPS to file this information for the city.

Councilmember Stipes expressed his concern that the city is being pushed into a corner. UAMPS is taking on this responsibility but are they taking on any of the liability of not having something submitted on time, of having something inaccurate or is that going to come back to the city. Mayor Howard said no that will be

their responsibility. If the city is not happy with what UAMPS does the contract can always be rescinded.

Councilmember Rasmussen asked if this is something that will be an additional cost to the city. Mayor Howard said yes, but the city won't really notice it. It's built into the transmission costs. It would cost more for the city to do it for ourselves.

Mayor Howard recommended the council approve this agreement.

**ACTION**            **Councilmember Stipes made a motion to approve a Limited Delegation Agreement with UAMPS as it's presented. Councilmember Miller seconded the motion and all five councilmembers present voted aye.**

#### MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said he has nothing to report at this time.

Councilmember Stipes said the city website looks really nice. He made a recommendation to Councilmember James to have a way for citizens to contact the council members as a group when selecting the "contact us" section of the city website. Right now you can only contact each council member individually.

He also commented on the Christmas decorations. The staff has done a really nice job and everything looks great. Mayor Howard said he has received a lot of nice comments about the Christmas decorations. There was a meeting here a couple of weeks ago with Planning Commissions from around the valley and they commented on how beautiful the decorations are.

Councilmember James said he just wanted to thank the staff for all the hard work they do behind the scenes. When he came down early the other morning he saw the electricians out working on the lights and making sure they were all working and he really appreciates that.

He said the city website home page is pretty well up to date at this point. If anyone has any questions or concerns please let him know. He feels like it has turned out really well. The city newsletter is officially on-line now and any resident can sign up on-line to receive the newsletter. It will be e-mailed to them each month. The on-line bill pay link is set up and the city is waiting for implementation when Intellipay is ready.

Councilmember Rasmussen said he has nothing to report at this time.

Councilmember Miller said this Saturday is the big day for the Hyrum Holiday at Hardware Ranch and all council members, city staff and residents are invited. It will be from 11:00 a.m. - 2:00 p.m. Santa will be there from 11:00 a.m. - 1:00 p.m.

Hopefully, if it storms the elk will come down. She asked the council members to help with counting how many people go on the sleigh rides and see Santa. Councilmember James volunteered to help with that. She also asked for help with taking photos of the event. Councilmember James said he could help with taking photos. He said anyone who takes pictures can e-mail them to him and be put on the city website.

The Youth Council will be helping with Santa and taking the photos with Santa. They will also help with the kids and the treats. The Lion's Club will be helping with the hot chocolate.

She said the employees and staff have been a great help to get things ready, as well as Hardware Ranch.

The Youth Council will have their Christmas party next week. The interviews have been done and the city has a new Youth Council for the next two years. They will be sworn into office the first of January 2008. Those chosen to serve on the 2008/2009 Youth Council are: Katelyn Adams, Jordan Anderson, Tyler Baird, Devon Bartlett, Marshall Bassett, Houston Black, Aaron Newhall, and Virginia Shidler. The Youth Council Mayor has not been selected yet.

Councilmember Miller also talked about the senior housing situation. The city has set up a meeting for Kim Datwyler from Neighborhood Non-Profit to come and speak to the senior citizens or anyone else who is interested on January 16. The luncheon is at 12:00 noon. Someone is also going to be there to talk about reverse mortgages and several different options to look at for senior housing. She also has a survey to pass out to those who are there so the city can see what the desire is of the people here and what needs that city may have in that area. All council members are invited to attend.

She has researched the issue of fluoride in the water and spoke with a local dentist. He gave her a copy of a schedule of fluoride levels in different counties of Utah. It has some interesting information and she gave each of the council members a copy.

Mayor Howard said he recently had a meeting with Intermountain Power and he has a report he will leave with Brent Jensen in case anyone wants to look over it in more detail. The net generation comparison the city's IPP is number five. The net capacity comparison the city is number two. The station heat rate comparison, which he feels is the most important, the city is number one. The SO2 emissions comparison the city is fifth from the bottom and produce very little emissions. The NOX emissions comparison the city is about average or even a little high. Overall IPP runs very efficiently and quite clean.

In the recent UAMPS meeting one of the things discussed was

resource investigation. What the resources are out there that the city can look to for power in the future. There's wind and coal. The San Juan generator will be updated to run more efficiently. White Pine energy is also being looked at in Ely, Nevada. We looked at solar, geothermal, and Ida-therm. It was looked into in Honeyville but nothing concrete ever came of it.

Mayor Howard said the one he really wants to mention is the solar heating oil for San Juan. That unit wouldn't provide any energy to ship but what it does is provide heat to heat the oil in those big furnaces. By doing that we can produce 45 megawatts more power with the same amount of coal. It's nice because we can count that as green power. It is being improved by solar power and not by using more coal. UAMPS is looking at other possibilities for power like Diamond Fork for hydropower. This would be similar to the Jordanelle project. It wouldn't be very big but it would help. We're really straining because we're losing our power from Idaho at the end of year and it's been fairly cheap. We'll probably have to make that up with IPP. Someone asked Tom Florence what the best source of power will be for the future and he said to call back all IPP. That'll be the best, most efficient and cheapest. Hyrum City is looking seriously at calling more IPP back next year and even more the following year. This power situation is so complicated. In reality, the national letter on public power received by the mayor said by the year 2016 the nation will be hurting. We will have to develop more green energy.

Councilmember Rasmussen said the council has talked about power rates before and about staying ahead of the curve. He asked if the city is going to reevaluate things at the first of the year. Mayor Howard said yes, we will have to look at increasing rates. CRSP is our cheapest power rate, hydropower from the Colorado River, and there will be an 18% increase by next October. We can't live on reserves.

Councilmember Rasmussen asked what percentage of power comes from CRSP. Brent Jensen said it's about 15%. It used to be higher around 45% but it's down.

Councilmember Miller said maybe educating people on conservation would help. She suggested the Youth Council help with education in the schools. Mayor Howard said education and conservation will be the key to making through the year 2016. Brent Jensen said the city will put conservation tips on the city website.

**ADJOURNMENT:**

**ACTION**

**There being no further business before the Council, Councilmember Stipes made a motion to adjourn the Council Meeting at 7:30 p.m.**

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: January 3, 2008  
As Written