

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 7, 2008
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, Craig Rasmussen, and Douglas L. Stipes present.

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 five citizens. City Recorder Stephanie Fricke recorded the minutes.

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

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

INVOCATION: City Administrator D. Brent Jensen

MINUTES:

The minutes of January 17, 2008 were approved as written.

ACTION Councilmember Stipes made a motion to approve the minutes of January 17, 2008 as written. Councilmember Felix seconded the motion and all five councilmembers voted aye.

The minutes of January 23, 2008 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of January 23, 2008 as written. Councilmember Miller 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, 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 voted aye.

8. PUBLIC HEARING:
 - A. A proposal to amend Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to clarify three total votes by members of the Planning Commission are required to proceed with an action on a motion; to not permit animal rights in major platted subdivisions unless approved by the City Council and to amend the Animal Unit Equivalent schedule; and to amend the Hyrum City Zoning Map.
 - B. A proposal to amend Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to include requests for animal rights in major platted subdivisions in the Preliminary and Final Plat application process.
9. PROCLAMATION:
 - A. Consideration and approval of a Proclamation declaring February 2008 as White Ribbon against Pornography Month.
10. SCHEDULED DELEGATIONS:
 - A. Ron Hales, Elk Mountain Planned Unit Development - To request final plat approval for Phase I of Elk Mountain Planned Unit Development consisting of 75 lots and located at approximately 300 South 1195 East.
 - B. Tanner Morrell, Logan Parking Authority - To present a proposal to enforce Hyrum City's parking ordinance.
11. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
 - A. Resolution 08-03 - A resolution authorizing and approving the acquisition of an additional entitlement share in the Payson Power Project an absolute assignment agreement and a second supplement to the Payson Power Project Power Sales Contract and related matters. *First Reading*
 - B. Resolution 08-04 - A resolution amending application and engineering fees for subdivision and planned unit developments. *First Reading*
 - C. Resolution 08-05 - A resolution setting rezone filing and deposit fees. *First Reading*
 - D. Resolution 08-06 - A resolution setting GIS System update fees. *First Reading*
 - E. Ordinance 08-01 - An ordinance amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code by clarifying that three total votes by members of the Planning Commission are required to proceed with an action on a motion. *First Reading*
 - F. Ordinance 08-02 - An ordinance amending Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to include requests for animal rights in major platted subdivisions in the Preliminary and Final Plat application process. *First Reading*
 - G. Ordinance 08-03 - An ordinance amending Title 17 (the

- Zoning Ordinance) of the Hyrum City Municipal Code to not permit animal rights in major platted subdivisions unless approved by the City Council, and to amend the Animal Unit Equivalent Schedule. *First Reading*
- H. Ordinance 08-04 - An ordinance amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to adopt the revised Zoning Map. *First Reading*
12. OTHER BUSINESS:
- A. CMPO Transportation Access Management Plan for State Highway 165.
- B. Mayor and City Council reports.
13. ADJOURNMENT

PUBLIC HEARING:

A PROPOSAL TO AMEND TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO CLARIFY THREE TOTAL VOTES BY MEMBERS OF THE PLANNING COMMISSION ARE REQUIRED TO PROCEED WITH AN ACTION ON A MOTION; TO NOT PERMIT ANIMAL RIGHTS IN MAJOR PLATTED SUBDIVISIONS UNLESS APPROVED BY THE CITY COUNCIL AND TO AMEND THE ANIMAL UNIT EQUIVALENT SCHEDULE; AND TO AMEND THE HYRUM CITY ZONING MAP.

ACTION

Councilmember Stipes made a motion at 6:35 p.m. to open the Public Hearing to receive public comment regarding a proposal to amend Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to clarify three total votes by members of the Planning Commission are required to proceed with an action on a motion; to not permit animal rights in major platted subdivisions unless approved by the City Council and to amend the Animal Unit Equivalent schedule; and to amend the Hyrum City Zoning Map. Councilmember James seconded the motion and all five councilmembers voted aye.

Mayor Howard asked for public comment, there being none he called for a motion to close the public hearing.

ACTION

Councilmember Stipes made a motion at 6:36 p.m. to close the Public Hearing to receive public comment regarding a proposal to amend Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to clarify three total votes by members of the Planning Commission are required to proceed with an action on a motion; to not permit animal rights in major platted subdivisions unless approved by the City Council and to amend the Animal Unit Equivalent schedule; and to amend the Hyrum City Zoning Map. Councilmember Miller seconded the motion and all five councilmembers voted aye.

A PROPOSAL TO AMEND TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE

HYRUM CITY MUNICIPAL CODE TO INCLUDE REQUESTS FOR ANIMAL RIGHTS IN MAJOR PLATTED SUBDIVISIONS IN THE PRELIMINARY AND FINAL PLAT APPLICATION PROCESS.

ACTION Councilmember Stipes made a motion at 6:36 p.m. to open the public hearing to receive public comment regarding a proposal to amend Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to include requests for animal rights in major platted subdivisions in the preliminary and final plat application process. Councilmember James seconded the motion and all five councilmembers voted aye.

Mayor Howard asked for public comment, there being none he called for a motion to close the public hearing.

ACTION Councilmember Stipes made a motion at 6:37 p.m. to close the public hearing to receive public comment regarding a proposal to amend Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to include requests for animal rights in major platted subdivisions in the preliminary and final plat application process. Councilmember Felix seconded the motion and all five councilmembers voted aye.

PROCLAMATION:

CONSIDERATION AND APPROVAL OF A PROCLAMATION DECLARING FEBRUARY 2008 AS WHITE RIBBON AGAINST PORNOGRAPHY MONTH.

Mayor Howard said Kate Powell Leader of District 25 for Communities for Decency is asking each community in Cache Valley to approve a Proclamation declaring February 2008 as White Ribbon Against Pornography Month.

ACTION Councilmember Stipes made a motion to approve a Proclamation declaring February 2008 as White Ribbon Against Pornography Month. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

SCHEDULED DELEGATIONS:

RON HALES, ELK MOUNTAIN PLANNED UNIT DEVELOPMENT - TO REQUEST FINAL PLAT APPROVAL FOR PHASE I OF ELK MOUNTAIN PLANNED UNIT DEVELOPMENT CONSISTING OF 75 LOTS AND LOCATED AT APPROXIMATELY 300 SOUTH 1195 EAST.

Ron Hales said he is very excited about this project and is anxious to start construction. Phase I-A includes 50 townhouses and no single family lots; and Phase I-B includes 25 single

family lots and no townhouses. Last year in Cache Valley there was a 9% increase in townhouse sales and single family dwellings were down 29%. The townhouses should sell between \$120,000 to \$140,000 per unit. Some of the townhouses are single level and he is anticipating they will be sold as retirement houses.

ACTION

Councilmember Miller made a motion to approve the final plat for Phases I-A and I-B of Elk Mountain Planned Unit Development with the condition that the concerns be resolved regarding the 425 South Road. Councilmember James seconded the motion and all five councilmembers voted aye.

TANNER MORRELL, LOGAN PARKING AUTHORITY--TO PRESENT A PROPOSAL TO ENFORCE HYRUM CITY'S PARKING ORDINANCE.

Tanner Morrell with Logan Parking Authority, said Logan Parking Authority is a private company that contracts with various agencies to enforce parking regulations. If Hyrum City chooses to contract with Logan Parking Authority it will split the fine with the City after deducting expenses. The only start up costs are renting a P.O. Box and ticket books. Employees of Logan Parking Authority will patrol Hyrum City and issue parking tickets to those vehicle owners that are in violation of Hyrum City's parking ordinances. When a ticket is issued Logan Parking Authority takes a picture to use as evidence if an appeal is filed. The City has the opportunity to create an Appeals Board to review tickets that are being contested. The Appeals Board can be made up of members in the community, city staff, councilmembers, etc. The Appeals Board makes the final decision as to whether the ticket should or shouldn't have been written.

Mayor Howard said he spoke with the Cache County Sheriff regarding parking problems in Hyrum and discussed with him the possibility of Hyrum City contracting with Logan Parking Authority. If there was a separate company taking care of the parking problems in Hyrum it would increase the amount of time the Sheriff's Department could be addressing other issues.

Councilmember Rasmussen questioned whether there was a need for an outside agency to address parking problems in Hyrum. He doesn't want Hyrum City to turn into a miniature Logan and is concerned about the perception of visitors and residents when parking tickets are given for minor issues. Having a company that issues tickets as a revenue source may turn the parking problem we do have into a bigger problem if tickets are issued for petty offenses.

Mayor Howard said he too is concerned about Hyrum City's reputation and doesn't want the City to be viewed as unfriendly. He asked if the City could specify certain dates and events when it didn't want tickets issued.

Tanner Morrell said if the City didn't want tickets to be issued on a certain date, time, or event all it has to do is contact Logan Parking Authority.

Councilmember James said it would be cheaper for Hyrum City to contract with Logan Parking Authority rather than increase the number of patrol hours with the Cache County Sheriff's Office.

Councilmember Rasmussen said the Sheriff's Office allows officers to use their own judgment in determining whether a ticket should be issued. If the City uses a parking authority they will issue a ticket regardless of the circumstance.

Councilmember Stipes said if there is an area that has a parking problem the City can tell the parking authority to spend more time patrolling that specific area. If the Sheriff's Office does not have the time to enforce the parking ordinance, then the City should contract with a company to provide that service. It will come as a shock to some repeat violators the first time a ticket is issued, but after the first couple of months there should not be as many complaints. If someone has a legitimate excuse then he or she can request the ticket be reviewed by the Appeals Board.

Councilmember James said the law is the law and it should be enforced equally throughout town.

Mayor Howard said he didn't expect the City Council to make a decision tonight, but wanted the City Council to consider whether it wants to contract with a private company to enforce Hyrum City's parking ordinance.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 08-03 - A RESOLUTION AUTHORIZING AND APPROVING THE ACQUISITION OF AN ADDITIONAL ENTITLEMENT SHARE IN THE PAYSON POWER PROJECT AN ABSOLUTE ASSIGNMENT AGREEMENT AND A SECOND SUPPLEMENT TO THE PAYSON POWER PROJECT POWER SALES CONTRACT AND RELATED MATTERS. FIRST READING

ACTION

Councilmember Stipes made a motion to waive the first reading rule for Resolutions 08-03, 08-04, 08-05, and 08-06; and Ordinances 08-01, and 08-04. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

Mayor Howard said Resolution 08-03 approves the purchase of another megawatt of Payson from the capacity recently vacated by St. George. Running Payson at what they call the "sweet spot," or 112 megawatts, gives us 824 kilowatts; with the plant in full production, we should get the full megawatt. This brings our

total Payson to 2,291 kilowatts at "sweet spot": 1,026 original subscription, 441 Page, plus 824 St. George (or 2,782 kilowatts at full production).

ACTION Councilmember Stipes made a motion to approve Resolution 08-03 authorizing and approving the acquisition of an additional entitlement share in the Payson Power Project and Absolute Assignment Agreement and a second supplement to the Payson Power Project Power Sales Contract and Related matters with the following amendments: Page 1 change the meeting time from "7:30 p.m." to "6:30 p.m."; and on Page 2 of the Certificate of Participant change "Martin Felix Councilmember January 1, 2006 December 31, 2011" to "Martin Felix Councilmember January 1, 2008 December 31, 2011"; "Stephanie Miller Councilmember January 1, 2004 December 31, 2011" to "Stephanie Miller Councilmember January 1, 2008 December 31, 2011"; "Craig Rasmussen Councilmember January 1, 2006 December 31, 2011" to "Craig Rasmussen Councilmember January 1, 2006 December 31, 2009"; and "Douglas L. Stipes Councilmember January 1, 2004 December 31, 2011" to "Douglas L. Stipes Councilmember January 1, 2008 December 31, 2011". Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

RESOLUTION 08-04 - A RESOLUTION AMENDING APPLICATION AND ENGINEERING FEES FOR SUBDIVISION AND PLANNED UNIT DEVELOPMENTS.
FIRST READING

Mayor Howard said Resolution 08-04 increases the preliminary plat fee from \$20 to \$30 per lot preliminary plat and \$20 to \$40 per lot final plat to help cover staff time.

ACTION Councilmember Stipes made a motion to approve Resolution 08-04 amending application and engineering fees for subdivision and planned unit developments. Councilmember James seconded the motion and all five councilmembers voted aye.

RESOLUTION 08-05 - A RESOLUTION SETTING REZONE FILING AND DEPOSIT FEES. **FIRST READING**

Mayor Howard this resolution establishes a fee and deposit against expenses for all rezone requests. It imposes a \$200 fee plus a \$1,000 deposit to cover such costs as publication expense, postage, zoning map amendment and printing, plus any professional (legal, engineering) fees.

ACTION Councilmember Stipes made a motion to approve

Resolution 08-05 setting rezone filing and deposit fees; and Resolution 08-06 setting GIS System update fees. Councilmember James seconded the motion and all five councilmembers voted aye.

RESOLUTION 08-06 - A RESOLUTION SETTING GIS SYSTEM UPDATE FEES.
FIRST READING

Mayor Howard said this resolution imposes a \$75 fee to add each new lot to our GIS system. In the past, we've just absorbed this expense, but amendment of our GIS system averages \$70 to \$75 per lot. This resolution passes this cost onto the builder and will be assessed at the time a building permit is issued. The reason not to assess the developer upon plat approval is to catch the lots in subdivisions already approved (based on the number of approved lots the city stands to lose about \$50,000).

A motion approving Resolution 08-06 was made earlier in the meeting under agenda item Resolution 08-05.

ORDINANCE 08-01 - AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE BY CLARIFYING THAT THREE TOTAL VOTES BY MEMBERS OF THE PLANNING COMMISSION ARE REQUIRED TO PROCEED WITH AN ACTION ON A MOTION. FIRST READING

Mayor Howard said State law does not require a three-member vote to pass a motion by the Planning Commission--a simple majority of those present will do. However, the bylaws of our Planning Commission requires three affirmative votes, but Section 17.12.050 does not stipulate how many votes are required to pass a motion. Therefore, Ordinance 08-01 amends Section 17.12.050 to clarify that three affirmative votes are required to pass a motion.

ACTION Councilmember Stipes made a motion to adopt Ordinance 08-01 amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code by clarifying that three total votes by members of the Planning Commission are required to proceed with an action on a motion; and Ordinance 08-04 amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to adopt the revised Zoning Map. Councilmember Miller seconded the motion and all five councilmembers voted aye.

ORDINANCE 08-02 - AN ORDINANCE AMENDING TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO INCLUDE REQUESTS FOR ANIMAL RIGHTS IN MAJOR PLATTED SUBDIVISIONS IN THE PRELIMINARY AND FINAL PLAT APPLICATION PROCESS. FIRST READING

Mayor Howard said most of our subdivisions are now built in Zone R-2, which allows animals on half-acre lots regardless of whether

or not said lot falls within a subdivision, and some of the older subdivisions have lots with animal rights dating back to the time when our code allowed animals on 12,000 foot lots, the Planning Commission recommends amending Titles 16 and 17 to disallow animal rights on platted subdivision lots, regardless of lot size, unless specifically allowed by a recorded statement on the final plat pursuant to a request by the developer and approval of the City Council.

The animal rights amendments also propose to increase the animal unit equivalent for mostly smaller animals, such as sheep, goats, chickens, rabbits, ducks and other fowl, to reduce the number allowed on a residential lot (any type of lot, actually, where animals are allowed).

Councilmember Stipes said will a subdivision lot owner be able to keep the animals he or she presently has on the property if this ordinance is adopted.

Zoning Administrator Ron Salvesen said if this ordinance is adopted, subdivision lot owners would not have to get rid of their animals. The animal rights would be grandfathered, however, if the property owner removes the animals for more than one year, then the grandfathered animal rights for that lot would be forfeited.

Councilmember Rasmussen said if a lot meets the size requirement for animal rights why does it matter if the property is in a subdivision.

City Administrator D. Brent Jensen said subdivision lots are usually smaller and the houses are closer together. The sounds and smells from animals can be offensive to neighboring property owners. Animals are usually not permitted in subdivisions and someone purchasing a house should be aware that there is a potential of a neighbor having animals.

Zoning Administrator Ron Salvesen said lots at the end of a cul-de-sac are usually large enough to be eligible for animal rights. The problem with that is the surrounding neighbors don't want to hear roosters crowing in the morning nor do they want the odor that comes from larger animals.

Councilmember Rasmussen said rather than requiring animal rights to be approved and included on subdivision plats, the City should require property owners wanting to keep animals to receive permission from neighboring property owners similar to the Conditional Use Permit process.

Zoning Administrator Ron Salvesen said if someone wants animal rights then he or she wants to purchase a piece of property that is guaranteed to have animal rights. People wanting to have animals don't want to have to worry about getting permission from

the neighbors to have and/or keep animals.

Councilmember Rasmussen said the way the proposed ordinance is written it will not inform potential house and/or lot buyers if adjacent properties have animal rights. There needs to be a way to inform potential buyers of animal rights in the subdivision.

Councilmember Stipes said he agrees with Councilmember Rasmussen that there does need to be some way to notify future lot buyers that there are some lots with animal rights and some lots without animal rights in that specific subdivision.

ACTION Councilmember Stipes made a motion to waive the first reading rule for Ordinances 08-02 and 08-03. Councilmember seconded the motion and Councilmembers James, Miller, and Rasmussen voted aye; and Councilmembers Felix and Stipes voted nay. The motion passed.

ACTION Councilmember Stipes made a motion to adopt Ordinance 08-02 amending Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to include requests for animal rights in major platted subdivisions in the preliminary and final Plat application process; and Ordinance 08-03 amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to not permit animal rights in major platted subdivisions unless approved by the City Council, and to amend the Animal Unit Equivalent Schedule. Councilmember Miller seconded the motion. Councilmembers Miller and James voted aye; and Councilmembers Felix, Rasmussen and Stipes voted nay. The motion failed.

ACTION Councilmember Stipes made a motion to adopt Ordinance 08-03 amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to not permit animal rights in major platted subdivisions unless approved by the City Council, and to amend the Animal Unit Equivalent Schedule. Councilmember James seconded the motion.

Councilmember Rasmussen said Ordinance 08-03 adds Section 17.84.010(F) stating lots in major platted subdivisions are not eligible for animal rights allowed in this chapter unless approved by the City Council and indicated on the plat. Ordinance 08-03 is tied to Ordinance 08-02 that requires requests for animal rights in major platted subdivisions to be included in the preliminary and final plat application. Ordinance 08-03 should not be adopted if Ordinance 08-02 was not adopted.

Councilmember James withdrew his second to Councilmember Stipes motion.

Councilmember Stipes withdrew his motion adopting Ordinance 08-03.

Councilmember Stipes recommended City Staff find a way to put the burden of informing potential lot/house owners that specific lots in that particular subdivision have animal right onto the developer.

Mayor Howard asked for Ordinances 08-02 and 08-03 to be placed on the next City Council agenda.

ORDINANCE 08-03 - AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO NOT PERMIT ANIMAL RIGHTS IN MAJOR PLATTED SUBDIVISIONS UNLESS APPROVED BY THE CITY COUNCIL, AND TO AMEND THE ANIMAL UNIT EQUIVALENT SCHEDULE. FIRST READING

Ordinance 08-03 was discussed earlier in the meeting under agenda item Ordinance 08-02.

Ordinance 08-03 was not adopted.

ORDINANCE 08-04 - AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO ADOPT THE REVISED ZONING MAP. FIRST READING

Mayor Howard said Ordinance 08-04 revises Hyrum City's Zoning Map. The revised map shows the addition of our new zones as created during the General Plan revision and recent adoption of Title 17.

A motion adopting Ordinance 08-04 was made earlier in the meeting under agenda item Ordinance 08-01.

OTHER BUSINESS:

CMPO TRANSPORTATION ACCESS MANAGEMENT PLAN FOR STATE HIGHWAY 165.

Mayor Howard said he serves on the CMPO Board and he has made it perfectly clear that Hyrum City has to have a light at the 300 South Highway 165 intersection. Nibley City has asked for Hyrum City's support in trying to get the traffic light at 2300 South Highway 165 removed. He will keep the City Council informed on the Transportation Access Management Plan.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said LeGrande Miller's obituary notice asked for donations to be made to the Hyrum City Library in lieu of flowers.

Councilmember Stipes asked if future Hyrum City Newsletters could contain Hyrum City's logo.

Councilmember Miller said she is working on the arrangements for the July 4th Celebration.

Mayor Howard said he met with Cache County Attorney George Daines and Hyrum City Attorney Craig Carlston yesterday regarding the trailer park. They recommended amending Hyrum City's code to require trailers to meet certain requirements before a trailer could be resold.

Mayor Howard said Councilmember Stipes submitted a letter of resignation and at the next City Council Meeting a replacement will need to be appointed. Mayor Howard and each City Councilmember thanked Councilmember Stipes for his dedication and commitment to Hyrum City.

ADJOURNMENT:

ACTION

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

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: February 21, 2008
As Written