

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 21, 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, and Craig Rasmussen present.

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

OTHERS PRESENT: City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, and thirty eight citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: City Administrator D. Brent Jensen led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Mayor Howard

SPECIAL PRESENTATION:

TO HONOR OUTGOING COUNCILMEMBER STIPES.

Mayor Howard said Doug Stipes has served on the Hyrum City Council for the past ten years. Doug submitted a letter of resignation in January stating that February 18, 2008 would be his last day as a Hyrum City Council Member. Doug and his wife are moving to Providence. Doug was a great City Council Member and he will be missed. Mayor Howard presented Doug with a plaque and rocking chair in honor of his service as a Hyrum City Councilmember from January 1998 to February 2008.

CLOSED SESSION:

TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL, OR MENTAL HEALTH OF AN INDIVIDUAL.

Mayor Howard said State Law is very specific and mandates the procedures of appointing someone to fill a midterm vacancy on the City Council. A public notice has to be published in the newspaper identifying the date, time and place of the meeting where the vacancy will be filled, applicant requirements and the deadline for submitting application. The candidate receiving the majority vote of the City Council will be appointed to fill the vacancy. Since there are more than two years remaining on Councilmember Stipes' term the vacancy will be filled by an

interim appointment. The interim appointment will last until January 2010. In 2009 there will be a two-year term for a City Councilmember on the election ballot.

In compliance with Utah State Code Hyrum City published the notice for acceptance of application to fill a midterm vacancy on the Hyrum City Council. Hyrum City requested a resume from those interested in filling the vacant seat. Hyrum City received three applications for the positions: Bart Baird, Thomas LaBau, and Mary Leishman.

ACTION Councilmember Rasmussen made a motion at 6:35 p.m. to adjourn into a Closed Session to discuss the character, professional competence, or physical, or mental health of an individual. Councilmember Felix seconded the motion and all four councilmembers voted aye.

Those present in the Closed Session were Mayor Howard, Councilmembers Felix, James, Miller, and Rasmussen, and City Recorder Stephanie Fricke.

ACTION Councilmember Miller made a motion at 6:40 p.m. to reconvene into an open session. Councilmember Rasmussen seconded the motion and all four councilmembers voted aye.

APPOINTMENT AND SWEARING IN OF CITY COUNCIL MEMBER.

Mayor Howard thanked all of the applicants for their willingness to serve on the Hyrum City Council. However, only one person can be appointed to fill the seat vacated by Doug Stipes.

ACTION Councilmember James made a motion to appoint Tom LaBau to fill the vacated City Council seat. Councilmember Felix seconded the motion and all four Councilmembers voted aye.

Justice of the Peace Jack Stevens administered the Oath of Office to Tom LaBau.

MINUTES:

The minutes of February 7, 2008 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of February 7, 2008 as written. Councilmember Miller seconded the motion and Councilmembers Felix, James, Miller, and Rasmussen voted aye, and Councilmember LaBau abstained. The motion passed.

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 Felix made a motion to approve the agenda as written. Councilmember Miller seconded the motion and all five councilmembers voted aye.**

AGENDA

11. SCHEDULED DELEGATIONS:
 - A. Garth Day, Cache Countywide Planner - To discuss the services provided by the Cache County Wide Planning Office.
 - B. Carl Lundahl - To request site plan approval for Edward Jones Investment Office at 5 East Main Street.
 - C. Dallas Elder - To request site plan approval for a pre-hung door assembly shop at approximately 550 North 600 East.
 - D. Bruce Blaine and Brook Staples - To request approval of a preliminary plat for Blacksmith Fork Industrial Park located between Hammer and Anvil Road.
 - E. Jeff McBride, Hyrum City Museum Director - To present an update on the Hyrum City Museum.
12. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
 - A. Resolution 08-07 - A resolution authorizing a Council Member to automatically succeed to the position of Mayor Pro Tempore. *First Reading*
 - B. Resolution 08-08 - A resolution authorizing and approving a prepayment by Hyrum City, Utah in respect of additional bonds to be issued by Utah Associated Municipal Power Systems pursuant to the San Juan Project Power Sales Contract; and related matters. *First Reading*
 - C. 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. *Second Reading*
 - D. Ordinance 08-03 - An ordinance amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to not permit animal rights in major plated subdivisions unless approved by the City Council, and to amend the Animal Unit Equivalent Schedule. *Second Reading*
13. OTHER BUSINESS:
 - A. Logan Parking Authority contract.
 - B. Cache Valley Ranch Association water.
 - C. Mayor and City Council reports.
14. ADJOURNMENT

SCHEDULED DELEGATIONS:

GARTH DAY, CACHE COUNTYWIDE PLANNER - TO DISCUSS THE SERVICES PROVIDED BY THE CACHE COUNTY WIDE PLANNING OFFICE.

Garth Day said he is the new Countywide Planner and hopes his office can be of assistance to the cities and towns in Cache Valley. The Cache County Wide Planning Office has a full range of mapping services and three staff planners that are available to help communities with ordinances and subdivision reviews. His office is working with the Cache Valley Vision Committee to come up with a comprehensive development plan for the unincorporated areas in Cache County and Franklin County. This plan will allow development to occur in an organized manner.

Councilmember Rasmussen asked Garth Day if his office would review the Master Plan for the Little Bear Annexation.

Garth Day said his staff could review the Master Plan for the Little Bear Annexation and make recommendations based on design, land uses, and transportation issues, but would not be able to assess the City's infrastructure and utilities.

CARL LUNDAHL - TO REQUEST SITE PLAN APPROVAL FOR EDWARD JONES INVESTMENT OFFICE AT 5 EAST MAIN STREET.

Zoning Administrator Ron Salvesen said Carl Lundahl could not be in attendance, but asked for the City Council to consider his request for site plan approval for the building he owns at 5 East Main Street. Representatives of Edward Jones Investment Services want to rent the building from him which requires interior remodeling since the building has been used as apartments for the past several years. As the business gets established he plans to rock the outside of the building on the south side and add a planter box on the east side. There are two employees, so two hard surface parking stalls will be provided as soon as weather permits it. The Planning Commission reviewed the site plan on February 14, 2008 and is recommending approval without additional conditions.

Councilmember Miller asked why the exterior of the building wasn't going to be remodeled at the same time the interior was being done.

Zoning Administrator Ron Salvesen said Carl Lundahl is hoping Edward Jones Investment Services is able to set up a prosperous business at this location. However, until he enters into a long term lease agreement he does not want to invest more money into the building. Before an Occupancy Permit is issued the building will have to meet current building codes.

ACTION

Councilmember Rasmussen made a motion to approve the site plan for Carl Lundahl and Edward Jones Investment Services at 5 East Main Street with the condition that within six month the south side of the building is

rocked east side landscaped, and the two parking spaces paved. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

DALLAS ELDER - TO REQUEST SITE PLAN APPROVAL FOR A PRE-HUNG DOOR ASSEMBLY SHOP AT APPROXIMATELY 550 NORTH 600 EAST.

Dallas Elder said he owns two parcels of property located at approximately 550 North 600 East. One parcel is 3.8 acres and is inside City Limits; and the other parcel is 11.84 acres and is outside City Limits. His master plan for the property is to turn it into an industrial park. He will need to annex the 11.84 acre parcel into the City under the Light Manufacturing zone, and then rezone the 3.8 acres to Light Manufacturing. The 3.8 acre parcel is zoned Residential Agriculture (RA). The RA zone allows light manufacturing uses under a conditional use permit. He wants to build one building that will be used as pre-hung door assembly shop on the 3.8 acres and then build additional buildings once the property has been subdivided and annexed.

Zoning Administrator Ron Salvesen said on February 14, 2008 the Planning Commission approved a conditional use permit for Dallas Elder to build one building on the 3.8 acre piece of property to assemble doors.

Councilmember Rasmussen said he appreciates the type of industrial park Dallas Elder wants to build in Hyrum, however, he is reluctant to approve Dallas' request until the 11.84 acres has been annexed and zoned to Light Manufacturing. The General Plan does not designate the property as Light Manufacturing. Before the City Council could rezone the property the General Plan would have to be amended. He cautioned Dallas that even if the City Council approved one building, there is no guarantee that the City Council would annex and rezone the 11.84 acre to Light Manufacturing.

Councilmember James said Hyrum City spent a lot of time and money on its General Plan and the City Council should consider requests to deviate from it very carefully. The General Plan does not show this area as manufacturing and he would not be in favor of having another industrial park at one of the main entrances into the City.

Zoning Administrator Ron Salvesen said Hyrum City's Code allows light manufacturing as a conditional use in the Residential Agriculture Zone. If the City Council does not want light manufacturing in the Residential Agriculture Zone then the code should be amended.

Councilmember Rasmussen said the site plan that was submitted shows more than one building and is also named Black Canyon Industrial Park. The site plan needs to be amended to show only what is currently being requested and that is one building - not

an industrial park. He does not feel comfortable approving a site plan that is not accurate.

Zoning Administrator Ron Salvesen said he made the recommendation to Dallas Elder to be upfront with the City about his intentions of creating an industrial park.

Councilmember James said he has received phone calls from several of the neighboring property owners and they are totally against this type of development. When the General Plan was written people said they didn't want manufacturing and industrial parks in their backyards. This area has great views for residential housing.

Councilmember Miller said she is not against businesses moving to Hyrum, she welcomes them. However, she like other City Councilmembers questions the location of the proposed business. The Planning Commission may have approved a conditional use permit for one building, but she is not sure if all of the conditions listed in Section 17.84.060 were addressed.

ACTION

Councilmember Rasmussen made a motion to refer the site plan for a pre-hung door assembly shop at 550 North 600 East back to the Planning Commission for further review of how and if the proposed use will fit in with the existing uses, and for the Planning Commission to reconsider the applicability of the conditional use permit. Councilmember Miller seconded the motion.

Councilmember LaBau said the Planning Commission approved a conditional use permit for a pre-hung door assembly shop and that decision can not be overturned. If the City Council does not want to allow light manufacturing as a conditional use then the ordinance needs to be changed to prevent something like this in the future. The code allows for one building to be built and Dallas is entitled to it, however, the City Council could include in its motion that there is a slim chance that the adjacent property will be rezoned to light manufacturing.

Councilmember Rasmussen withdrew his motion based upon Councilmember LaBau's comments.

Councilmember Rasmussen asked Dallas Elder if he would still build the one building knowing that there is a high possibility the property won't be rezoned for an industrial park.

Dallas Elder said before he makes a decision as to whether or not he will build just one building, he will have to determine what is the best use of the property for both the city and him.

ACTION

Councilmember LaBau made a motion for Dallas Elder to bring back to the City Council an amended site plan

showing just one building and no references to it being an Industrial Park. Councilmember James seconded the motion and all five councilmembers voted aye.

BRUCE BLAINE AND BROOK STAPLES - TO REQUEST APPROVAL OF A PRELIMINARY PLAT FOR BLACKSMITH FORK INDUSTRIAL PARK LOCATED BETWEEN HAMMER AND ANVIL ROAD.

Zoning Administrator Ron Salvesen said the Planning Commission is recommending approval of the preliminary plat for Blacksmith Fork Industrial Park with not conditions.

Councilmember Rasmussen said there is an existing irrigation main line that needs to be shown on the final plat.

ACTION Councilmember Miller made a motion to approve the preliminary plat for Blacksmith Fork Industrial Park located between Hammer and Anvil Road. Councilmember Felix seconded the motion and all five councilmembers voted aye.

JEFF MCBRIDE, HYRUM CITY MUSEUM DIRECTOR - TO PRESENT AN UPDATE ON THE HYRUM CITY MUSEUM.

Museum Director Jeff McBride said the displays for the Museum should be finished by March 3, 2008. The construction costs of the displays should be approximately \$63,000. There are over twenty display areas, but for now only twelve areas will be used.

The twelve themes chosen are: Geoantiquities; Native American; Trappers; Pioneer Settlement; Pioneer Industry; Merchandise and Trades; Education; Health Care; Transportation; Main Street Evolution; and a Memorial to Veterans. He is taking an inventory and cataloging all items for the museum including new donations.

The projected opening for the Museum will be mid April with the grand opening being scheduled for Memorial Day Weekend.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 08-07 - A RESOLUTION AUTHORIZING A COUNCIL MEMBER TO AUTOMATICALLY SUCCEED TO THE POSITION OF MAYOR PRO TEMPORE.
FIRST READING

Mayor Howard suggested the City Council eliminate the first reading rule on resolutions and ordinances, since the first reading rule is waived the majority of the time.

ACTION Councilmember James made a motion to eliminate the first reading rule on resolutions and ordinance. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

Mayor Howard said former Councilmember Stipes was appointed to serve as Mayor Pro Tempore for the year 2008, due to his resignation the City Council will have to appoint a new Mayor Pro Tempore.

ACTION Councilmember LaBau made a motion to approve Resolution 08-07 - A resolution authorizing Council Member Stephanie Miller to automatically succeed to the position of Mayor Pro Tempore. Councilmember James seconded the motion and all five councilmembers present voted aye.

RESOLUTION 08-08 - A RESOLUTION AUTHORIZING AND APPROVING A PREPAYMENT BY HYRUM CITY, UTAH IN RESPECT OF ADDITIONAL BONDS TO BE ISSUED BY UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS PURSUANT TO THE SAN JUAN PROJECT POWER SALES CONTRACT; AND RELATED MATTERS.
FIRST READING

Mayor Howard said Resolution 08-08 validates Hyrum City's intention to prepay rather than bond for the San Juan Power Plant improvements.

ACTION Councilmember James made a motion to approve Resolution 08-08 authorizing and approving a prepayment by Hyrum City, Utah in respect of additional bonds to be issued by Utah Associated Municipal Power Systems pursuant to the San Juan Project Power Sales Contract. Councilmember Felix seconded the motion and all five councilmembers present 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. SECOND READING

Mayor Howard said the City Council tabled Ordinance 08-02 at its last meeting and asked City Staff to 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.

Zoning Administrator Ron Salvesen said he contacted the County Recorder's office for suggestions on how the City can inform potential buyers that specific lots in particular subdivisions have animal rights. The County Recorder's office advised the City to require the developer to include the information on lots with animal rights be identified in the Covenants, Conditions, and Restrictions.

Councilmember Rasmussen said he still does not know why the City wants to exclude a lot in a subdivision from having animal rights if the lot meets the size requirement as set by ordinance.

Councilmember James said most people who live in a subdivision do not want to have sounds and smells from animals. Animals are usually not permitted in subdivisions and if a subdivision does want animal rights the City Council can approve it during the preliminary and final plat processes.

ACTION Councilmember Miller made a motion to adopt Ordinance 08-02 amending Sections 16.12.030 and 16.16.030 of Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to require requests for animal rights in major platted subdivisions to be included in the preliminary and final plat application processes. Councilmember LaBau seconded the motion and Councilmembers Felix, James, LaBau, and Miller voted aye, and Councilmember Rasmussen voted nay. The motion passed.

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.

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

Mayor Howard 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.

ACTION Councilmember Miller made a motion to adopt Ordinance 08-03 amending Title 17 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 and Councilmembers Felix, James, LaBau, and Miller voted aye, and Councilmember Rasmussen voted nay. The motion passed.

Councilmember Rasmussen said he was in favor of amending the animal unit equivalent schedule, but he did not agree with the rest of the ordinance.

OTHER BUSINESS:**LOGAN PARKING AUTHORITY CONTRACT.**

Mayor Howard said Logan Parking Authority met with the City Council on February 7, 2008 to discuss enforcement of the City's parking ordinances.

ACTION **Councilmember James made a motion to ask Logan Parking Authority to draft a one year contract for parking enforcement services. Councilmember Miller seconded the motion.**

Councilmember Rasmussen asked if Hyrum City had that many parking problems to warrant contracting with an outside company to enforce its parking ordinance. Hyrum City already contracts with the Cache County Sheriff's Office for law enforcement and parking violations should fall under that contract.

Councilmember LaBau said the Cache County Sheriff's Office should issue parking citations, but it is not. He lives across the street from the Post Office and he sees parking violations everyday that are never ticketed. It may take Hyrum City contracting with a separate company to take care of the parking problems.

Mayor Howard called for a question on the motion and Councilmembers Felix, James, LaBau, and Miller voted aye and Councilmember Rasmussen voted nay. The motion passed.

CACHE VALLEY RANCH ASSOCIATION WATER.

Mayor Howard said in 2003 Hyrum City entered into an agreement with Cache Valley Ranch Association to purchase water rights from it, on an annual as needed basis, for four years once the water was approved by the State Engineer's Office. The State Engineer's Office approved the water transfer in 2006. In 2006 Hyrum City purchased 369.265 acre feet of water from Cache valley Ranch Association, and in 2007 the City Council relinquished that year's offering of water rights back to Cache Valley Ranch Association. Per the 2003 contract with Cache Valley Ranch Association Hyrum City will have the option again next year to purchase an additional 123.088 acre feet of water at \$2,000 per acre foot from Cache Valley Ranch Association.

Councilmember James said he does not think the City Council should relinquish this year's option to purchase water from Cache Valley Ranch Association. The price of water has increased a lot since 2003. If Hyrum City annexes the Little Bear Parkway property, it will need all of the water it can get. Most of the property south of Hyrum Dam does not have water shares or rights.

The City could have the opportunity to not only ensure water for the Little Bear Parkway project, but it could also make some money by having the developers purchase it from the City at market price.

Councilmember LaBau said Hyrum City's annexation declaration area takes in land on the west side to the Meridian Road, south to 7800 South, east to the mountains, and north to 3200 South. This is a large area that Hyrum City has declared that it is interested in annexing this property into its community. The City Council should purchase this water to plan for future growth, not just for the Little Bear Parkway Project.

ACTION

Councilmember James made a motion to purchase this year's water allocation of 123.088 acre feet of water at \$2,000 per acre foot from Cache Valley Ranch Association. Councilmember Felix seconded the motion.

Councilmember Rasmussen said Hyrum City has more than a sufficient water supply for its current residents. He does not think the City should deplete its reserves to supplement a developer. City ordinances require a developer to bring to the City adequate water and if a developer needs water, then the developer should buy the water from Cache Valley Ranch Association. The developers of the Little Bear Parkway project know they need water, so why not recommend they buy the water from Cache Valley Ranch Association. The City has not agreed to annex this property and he does not think it is wise to use city funds to purchase water that is not necessarily needed at this time.

Mayor Howard said he is not sure the City should be in the water business, but he would rather be in the water business and not need it, than need the water and not have it.

Mayor Howard called for a question on the motion and Councilmembers Felix, James, LaBau, and Miller voted aye and Councilmember Rasmussen voted nay. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember James said baseball and softball registrations will be going on during the month of March in the café space at the new library.

Councilmember Miller said Doug Wright with KSL Radio will be this year's Patriotic Program speaker. Stephanie Carlson has offered to be over the booths for the 4th of July. Jerry McBride and Curtis Parkinson are going to help with the parade.

City Administrator D. Brent Jensen said Cache County contacted

Hyrum City to see if it was interested in trading Cache County its Ambulance for Hyrum City's First Responder vehicle. Cache County's ambulance is eight years newer than Hyrum City's but Cache County's ambulance has 30,000 more miles on it. Cache County's ambulance is diesel but does not have four wheel drive. The City Council said it would be willing to trade its vehicle with Cache County. Cache County will then donate Hyrum City's First Responder Vehicle to a non profit organization.

Mayor Howard updated the City Council on the various power projects and lawsuits that UAMPS is dealing with. UAMPS is concerned about the CRSP project due to the amount of water that is going to have to be annually released to replicate a free flow river, so that beaches, habitat, and fisheries can try and be restored to its natural conditions on the Colorado River.

ADJOURNMENT:

ACTION

There being no further business before the Council, the Council Meeting adjourned at 8:45 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: March 6, 2008
As Written