

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 3, 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, Stephanie Miller, and Craig Rasmussen present.

**EXCUSED:** Mayor W. Dean Howard, and Councilmember Thomas C. LaBau

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

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

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

**PLEDGE OF ALLEGIANCE:** Boy Scout Jordan Gunnell led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember Felix

**APPROVAL OF MINUTES:**

The minutes of March 20, 2008 were amended as follows: Page 5, Paragraph 3, change "20.343" to "20,343".

**ACTION** Councilmember James made a motion to approve the minutes of March 20, 2008 with the above amendment. Councilmember Rasmussen seconded the motion and all four 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 four councilmembers present voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:

A. Bruce Blaine and Brooke Staples - To request final

- plat approval for a 22 lot industrial subdivision (Blacksmith Fork Industrial Park) located between Hammer and Anvil Roads.
- B. Jeremy Shaw, Hyrum State Park Manager - To introduce himself and to report on the Hyrum State Park.
9. INTRODUCTION AND ADOPTION OF AN ORDINANCE AND RESOLUTIONS:
- A. Ordinance 08-06 - An ordinance amending several sections of the Hyrum City Municipal Code to allow fees to be set by resolution rather than by ordinance.
- B. Resolution 08-09 - A resolution setting business license fees, beer license fees, and contractor license fees.
- C. Resolution 08-10 - A resolution setting dog license fees, boarding fees, and late fees.
- D. Resolution 08-11 - A resolution setting the reconnect fee for culinary water service.
- E. Resolution 08-13 - A resolution setting the service restoration fee, monthly user rates, and late fees for sewer service.
- F. Resolution 08-15 - A resolution setting the connection fee, deferred payment late fee, and monthly user rates for the pressurized irrigation system.
- G. Resolution 08-16 - A resolution setting the service restoration fee for nonpayment of utilities.
- H. Resolution 08-17 - A resolution setting plan review and construction deposit fees.
- I. Resolution 08-18 - A resolution setting sign permit fees.
10. OTHER BUSINESS:
- A. To discuss the proposed residential landscaping ordinance.
- B. Mayor and City Council reports.
11. ADJOURNMENT

***SCHEDULED DELEGATIONS:***

**BRUCE BLAINE AND BROOKE STAPLES - TO REQUEST FINAL PLAT APPROVAL FOR A 22 LOT INDUSTRIAL SUBDIVISION (BLACKSMITH FORK INDUSTRIAL PARK) LOCATED BETWEEN HAMMER AND ANVIL ROADS.**

AMENDED 04-17-08 Bruce Blaine said he is excited to get started on this project. As the developer of Blacksmith Fork Industrial Park Subdivision it is ~~his~~ intent to create and enforce a set of guidelines for buildings and other future construction in the park. These Covenants, Conditions, and Restrictions (CC&R's) will be focused on setting and maintaining an architectural and landscaping standards while limiting any practices that would detract from the appearance of the park. All buildings will be subject to review and approval of an architectural committee. Concrete and masonry materials are preferred. There may be size requirements for buildings footprints, yard space would be located off the

**AMENDED** paved streets and surrounded by solid ~~solid~~ perimeter fencing of  
**04-17-08** masonry or concrete. Signage should be appropriate and in accordance with city regulations. An internal zoning for the park would dictate the location of the businesses. Retail and office based enterprises would border the residential development while the heavier industrial users would be located deeper in the park's boundaries.

Zoning Administrator Ron Salvesen said Mayor Howard and City Staff reviewed the final plat for Blacksmith Fork Industrial Park Subdivision and recommended sidewalks not be required around the streets in this development. For safety and security reasons residents of neighboring residential subdivisions should not be encouraged to walk or ride bikes through the industrial park. If sidewalks are required the City would be responsible for the maintenance and replacement of these sidewalks. Mayor Howard and City Staff suggested with the City's limited resources that time and money could be better used and spent in other areas of Hyrum. Sidewalks can be required during the site plan process to provide access from parking areas to the buildings or as needed for each specific business.

City Administrator D. Brent Jensen said the City requested the developers realign the intersection on Hammer Road to align Anvil Road with Hyrum Boulevard. In order to do this the City will vacate a portion of Anvil Road and deed half the property to Blacksmith Fork Industrial Park and half the property to John Greene. By vacating this portion of the road it will allow Blacksmith Fork Industrial Park to be compensated for the property it is deeding to the City for the new road alignment. The realignment gives John Greene enough property to add parking and a new entrance to the front of his building. The City has notified Allsop's and John Greene regarding the proposal to realign the road and vacate a portion of Anvil road, and both parties were supportive of the realignment. The City will not vacate the existing road until it has a bond from Blacksmith Fork

**AMENDED**  
**04-17-08** Industrial Park and a right-of-way ~~an easement~~ for the new road. The developers of Blacksmith Fork Industrial Park will have to pay the entire cost of the curb and gutter and the road for the portion of Anvil road that goes through their development. On Hammer Road and the portion of Anvil Road where the roads only front one side of the Blacksmith Fork Industrial Park the developer will provide 24' of asphalt and install curb and gutter on one side.

Brooke Staples asked the City Council if it liked the layout of the proposed subdivision and if the City Council is agreeable to vacating the road as discussed earlier.

City Administrator D. Brent Jensen said in order for Bruce Blaine and Brooke Staples to move forward with the development of the Blacksmith Fork Industrial Park Subdivision the City Council will

need to give them some type of assurance that the City will vacate a portion of Anvil Road upon the developers giving the

**AMENDED**

04-17-08

City a right-of-way ~~an easement~~ through their property for the realignment of Anvil Road. Their subdivision design is based upon the realignment and vacating of Anvil Road and if the City Council is not in favor of realigning the road then it shouldn't approve the final plat for Blacksmith Fork Industrial Park Subdivision.

**ACTION**

**Councilmember Felix made a motion to approve the final plat for Blacksmith Fork Industrial Park Subdivision located between Hammer and Anvil Roads with the condition that the City vacate a portion of Anvil Road upon the City receiving a bond from the developers and when the developers have completed the portion of Anvil Road that goes through their development. Councilmember James seconded the motion.**

**Councilmember Rasmussen suggested amending Councilmember Felix's motion to allow the City to proceed with the vacating process before the road is completed if the City has a right-of-way ~~an easement~~ for the road. The City will not finalize the vacating of Anvil Road until the road improvements are completed. Councilmember Felix and James accepted Councilmember Rasmussen's amendment to the motion and all four councilmembers present voted aye.**

Councilmember Rasmussen said the developers need to be aware that if they put in retail businesses or convenient stores the City may require sidewalks in those areas.

Bruce Blaine said the requirement for sidewalks can be dealt with during the site plan approval process.

**ACTION**

**Councilmember James made a motion to waive the requirement for street sidewalks in Blacksmith Fork Industrial Park Subdivision based upon the recommendation from Mayor Howard and City Staff regarding it being an industrial park and not wanting to encourage foot traffic through the park. Councilmember Felix seconded the motion and Councilmembers Felix, James, Miller voted aye and Councilmember Rasmussen voted nay. The motion passed.**

City Administrator D. Brent Jensen cautioned Bruce Blaine and Brooke Staples about the location and quantity of retail businesses in the park. The City waived the requirement of sidewalks based on it being an industrial park and not wanting foot traffic in an industrial park, however, if the City feels like the number of retail businesses warrant a sidewalk the

developers will have to install sidewalks.

**JEREMY SHAW, HYRUM STATE PARK MANAGER - TO INTRODUCE HIMSELF AND TO REPORT ON THE HYRUM STATE PARK.**

Jeremy Shaw said he is the new Hyrum State Park Manager and is looking forward to the opportunity of working with Hyrum City to enhance both the Hyrum State Park and Hyrum City. He understands Hyrum State Park has a great working relationship with Hyrum City and he wants to keep it that way. Hyrum State Park is looking at developing twelve acres of ground on the south side of the park.

Mayor Pro-Tempore Miller thanked Jeremy for coming and introducing himself to the City Council. She had the opportunity of meeting him when she sat on the committee that interviewed him for this position. She was very impressed with him and is thrilled to have him here.

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

**ORDINANCE 08-06 - AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE HYRUM CITY MUNICIPAL CODE TO ALLOW FEES TO BE SET BY RESOLUTION RATHER THAN BY ORDINANCE.**

Mayor Pro-Tempore Miller said several sections in the Hyrum City Municipal Code sets forth those regulations authorizing and setting fee schedules. If the fee schedule was set by resolution rather than by ordinance it would avoid making an amendment to the code every time a fee is changed. The proposed Ordinance will amend the code to allow all fees, where appropriate, to be set by resolution. Resolutions 08-09 through 08-17 sets those fees previously set by ordinance.

**ACTION**            **Councilmember James made a motion to adopt Ordinance 08-08 amending several sections of the Hyrum City Municipal Code to allow fees to be set by resolution rather than by ordinance with the following amendment to Section 5.04.040 (B) after "... in a business in this municipality shall pay" add "an". Councilmember Felix seconded the motion and all four councilmembers voted aye.**

**RESOLUTION 08-09 - A RESOLUTION SETTING BUSINESS LICENSE FEES, BEER LICENSE FEES, AND CONTRACTOR LICENSE FEES.**

Mayor Pro-Tempore Miller said Resolution 08-09 sets the business license fees, beer license fees, and contractor license fees at the same rate that was in the Hyrum City Municipal Code, except it does include a fire inspection fee for commercial business of \$20 per hour.

**ACTION**            **Councilmember Rasmussen made a motion to approve**

**Resolution 08-09 setting business license fees, beer license fees, and contractor license fees. Councilmember James seconded the motion and all four councilmembers present voted aye.**

**RESOLUTION 08-10 - A RESOLUTION SETTING DOG LICENSE FEES, BOARDING FEES, AND LATE FEES.**

Mayor Pro-Tempore Miller said Resolution 08-10 sets dog license fees, boarding fees, and late fees at the same rate that was in the Hyrum City Municipal Code.

**ACTION** Councilmember Rasmussen made a motion to approve Resolution 08-10 setting dog license fees, boarding fees, and late fees with the following amendments: 1) Under fees for Section 6.080.050(A) change "Each unspayed male" to "Each unneutered male" and 2) Under fees for Section 6.08.050(B) change "Each unspayed male" to "Each unneutered male". Councilmember Felix seconded the motion and all four councilmembers present voted aye.

**RESOLUTION 08-11 - A RESOLUTION SETTING THE RECONNECT FEE FOR CULINARY WATER SERVICE.**

Mayor Pro-Tempore Miller said Resolution 08-11 sets the reconnect fee for culinary water service at the same rate that was in the Hyrum City Municipal Code.

**ACTION** Councilmember James made a motion to approve Resolution 08-11 setting the reconnect fee for culinary water service. Councilmember Rasmussen seconded the motion and all four councilmembers voted aye.

**RESOLUTION 08-13 - A RESOLUTION SETTING THE SERVICE RESTORATION FEE, MONTHLY USER RATES, AND LATE FEES FOR SEWER SERVICE.**

Mayor Pro-Tempore Miller said Resolution 08-13 sets the service restoration fee, monthly user rates, and late fees for sewer service at the same rate that was in the Hyrum City Municipal Code, except for the after hours service restoration fee is being changed from \$30.00 to \$35.00.

**ACTION** Councilmember James made a motion to approve Resolution 08-13 setting the service restoration fee, monthly user rates, and late fees for sewer service. Councilmember Felix seconded the motion and all four councilmembers voted aye.

**RESOLUTION 08-15 - A RESOLUTION SETTING THE CONNECTION FEE, DEFERRED PAYMENT LATE FEE, AND MONTHLY USER RATES FOR THE**

**PRESSURIZED IRRIGATION SYSTEM.**

Mayor Pro-Tempore Miller said Resolution 08-15 sets the connection fee, deferred payment late fee, and monthly user rates for the pressurized irrigation system at the same rate that was in the Hyrum City Municipal Code.

**ACTION** Councilmember Rasmussen made a motion to approve Resolution 08-15 setting the connection fee, deferred payment late fee, and monthly user rates for the pressurized irrigation system. Councilmember James seconded the motion and all four councilmembers voted aye.

**RESOLUTION 08-16 - A RESOLUTION SETTING THE SERVICE RESTORATION FEE FOR NONPAYMENT OF UTILITIES.**

Mayor Pro-Tempore Miller said Resolution 08-16 sets the service restoration fee for nonpayment of utilities at the same rate that was in the Hyrum City Municipal Code.

**ACTION** Councilmember James made a motion to approve Resolution 08-16 setting the service restoration fee for nonpayment of utilities. Councilmember Felix seconded the motion and all four councilmembers voted aye.

**RESOLUTION 08-17 - A RESOLUTION SETTING PLAN REVIEW AND CONSTRUCTION DEPOSIT FEES.**

Mayor Pro-Tempore Miller said Resolution 08-17 sets plan review and construction deposit fees at the same rate that was in the Hyrum City Municipal Code.

**ACTION** Councilmember Felix made a motion to approve Resolution 08-17 setting the plan review and construction deposit fees. Councilmember James seconded the motion and all four councilmembers voted aye.

**RESOLUTION 08-18 - A RESOLUTION SETTING SIGN PERMIT FEES.**

Mayor Pro-Tempore Miller said Resolution 08-18 sets a fee for sign permits. The fee for a sign permit is authorized by ordinance, but the City has never approved a fee to charge for sign permits.

**ACTION** Councilmember Rasmussen made a motion to approve Resolution 08-18 setting sign permit fees. Councilmember James seconded the motion and all four councilmembers voted aye.

**OTHER BUSINESS:**

**TO DISCUSS THE PROPOSED RESIDENTIAL LANDSCAPING ORDINANCE.**

Mayor Pro-Tempore Miller said at the last City Council Meeting there was a public hearing on a proposal to require front yards to be landscaped before an occupancy permit was issued. The proposed ordinance allowed the City to give a homeowner a six month extension to complete the required landscaping for weather related circumstances. After listening to comments from concerned citizens and a lengthy discussion amongst the City Council, the City Council decided to table the ordinance to allow the City Council to address the length of time that is needed for a homeowner to landscape the front yard, and to define "landscaping".

Councilmember James said since the discussion held at the last City Council Meeting he has thought about the proposed landscaping ordinance and the comments that were made. He is concerned that even if the City requires a homeowner to landscape the front yard that he/she won't maintain the landscape once an occupancy permit is issued.

Mayor Pro-Tempore Miller said the Planning Commission initiated the proposed landscaping requirements and as leaders in the Community the City Council has a responsibility to keep the community a desirable place to live. However, she is concerned about the burden the proposed landscaping ordinance will have on new homeowners and the additional workload it will place on City Staff. She suggested having the City send new homeowners that haven't put in a lawn a letter suggesting they put in a lawn within a certain time frame.

Councilmember Rasmussen said he is not in favor of forcing new homeowners to landscape their front yard before an occupancy permit is issued. It can be a financial burden on a new homeowner and just because it is landscaped does not mean the homeowner will maintain the yard. If the City is worried about weedy lots then it needs to enforce its nuisance ordinance. If a developer wants the lots in his/her subdivision landscaped within a certain time frame then he/she should include those types of requirements in the CC&R's.

Councilmember James said he wants Hyrum City to be an attractive community to live in, but the proposed ordinance might be pushing the law on a private property owner's rights.

Zoning Administrator Ron Salvesen said he has been contacted by three members of the Planning Commission since the last City Council Meeting to discuss why the City Council did not adopt the proposed landscaping ordinance. All three Planning Commission members suggested giving a new homeowner one year to landscape the front yard, if the City Council didn't feel comfortable requiring the front yard to be landscaped before an occupancy permit is issued. There are several new houses in Hyrum that

have not been landscaped and if you are a neighbor to one of these homes it can be a real eyesore and nuisance.

Roy Savage said if there is a house in your neighborhood that isn't landscaped then the neighbors need to be friendly and offer to help them plant a lawn. It is a lot of work to plant a lawn and some people need help.

Troy Kartchner said in his developments he requires a new homeowner to landscape the front yard within eight to nine months after the house is completed. It is difficult and time consuming to try and get someone to landscape his/her front yard if he/she does not want to do it. Most new homeowners want to have their yards landscaped as quickly as possible, but struggle with the costs or are physically unable to do so.

Councilmember Miller recommended leaving the proposed ordinance tabled and for the City to enforce the nuisance ordinance on weedy lots. The City Council can readdress this issue if there continues to be a problem with new homeowners not landscaping their front yards.

#### **MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Felix said the library finally received the grant from Senator Hatch's office for \$198,000. The Library Foundation was formed and several members of the Library Fund Raising Committee were asked to serve on the foundation.

Councilmember James said he has added a search function and a calendar on the City's website.

Councilmember Rasmussen said he attended an irrigation meeting and they appointed John Lee to serve on the Highline Canal Irrigation Board. Porcupine Reservoir has over 8,000 acre feet of water in the reservoir. The amount of water is less than last year at this same time, but there is still a lot of snow and it really hasn't started to melt yet.

Councilmember Miller said the Youth Council helped with the Easter Egg Hunt and they have written thank you notes to those who donated items. The Dairy Princess Pageant is on Monday, April 7, at 7:00 p.m. in the Hyrum Civic Center.

#### **ADJOURNMENT:**

#### **ACTION**

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

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W. Dean Howard

Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: April 17, 2008       
          As Amended