

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 19, 2009 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, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen 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 and nine citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

AGENDA: 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.

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

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

ACTION Councilmember James made a motion to approve the minutes of a special meeting on March 5, 2009 as written. Councilmember Miller seconded the motion and all five councilmembers voted aye.

ACTION Councilmember Rasmussen made a motion to approve the minutes of March 5, 2009 as written. Councilmember LaBau 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 James made a motion to approve the agenda as written. Councilmember Felix seconded the motion and all five councilmembers present voted aye.

8. SCHEDULED DELEGATIONS:
 - A. Curtis Dent - To request leasing water rights from Hyrum City.
9. INTRODUCTION AND ADOPTION OF AN ORDINANCE:
 - A. Ordinance 09-02 - An ordinance revising and adopting a policy for impact fees for culinary water service in Hyrum City; establishing and adopting Capital Facilities Plan, or other reasonable plans, and the associated impact fee analysis for this service; establishing service areas for equitable distribution of impact fees; adopting an impact fee for the provision of said service; repealing conflicting sections of Chapter 3.24 of the Hyrum City Municipal Code; and other related matters.
10. OTHER BUSINESS:
 - A. Consideration and award of bid for the design of 2.0 Million Gallon Culinary Water Reservoir.
 - B. Consideration and award of bid for the construction of drying beds at the Hyrum City Wastewater Treatment Facility.
 - C. Culinary Water and Wastewater rates.
 - D. Fire Station.
 - E. Certification of annexation petition (Hyrum Irrigation Ponds).
 - F. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

CURTIS DENT - TO REQUEST LEASING WATER RIGHTS FROM HYRUM CITY.

Curtis Dent said he met with the City Council on February 5, 2009 to request leasing Hyrum City's Richmond Irrigation shares that the City purchased from Cache Valley Ranch Associates. He wants to put the land back into productivity, but the property did not come with any water. He was hoping the City would be interested in leasing him the water it bought from Cache Valley Ranch Associates for at least 15 years. He needs a 15 year lease agreement in order for it to be profitable for him to purchase a sprinkler system to water the property. He does not need the actual water this summer, but he wants to know if the City will lease him the water so that he can get crops planted for next year.

Mayor Howard said at the February 5, 2009 City Council Meeting the City Council made a motion to have City Administrator D. Brent Jensen monitor the bill before the State Legislature that will allow a City to lease water and inform the City Council and Curtis Dent if the bill passes or fails. Once the State Legislature has acted then the City Council will consider leasing water to Curtis Dent.

AMENDED
04-02-09

City Administrator D. Brent Jensen said the bill before the State Legislature allowing City's to lease water rights/shares did not pass. Current State Law prohibits the sale or lease of water rights or shares. Rather than leasing the water shares the City, could sell the water (not the water rights) to him. Before the City agrees to ~~sell~~ sale the water to Curtis Dent the State Water Engineer must reallocate the water so it can be used in Richmond rather than in Hyrum. Richmond Irrigation would have to agree to allow the water to be put back in its ditches.

Curtis Dent said he has met with Richmond Irrigation Company and was told the amount of water flowing in the ditch was never decreased after the water was reallocated to Hyrum. Richmond Irrigation Company has told him that he can use the water out of the ditch if the State Water Engineer and Hyrum City approve it.

Mayor Howard recommended Curtis Dent and City Administrator D. Brent Jensen contact the State Water Engineer to determine if the water can be used in Richmond rather than in Hyrum. If the State Water Engineer approves it a contract needs to be written addressing the terms of the water sale. The City Council will need to approve the contract once it is written.

INTRODUCTION AND ADOPTION OF AN ORDINANCE:

ORDINANCE 09-02 - AN ORDINANCE REVISING AND ADOPTING A POLICY FOR IMPACT FEES FOR CULINARY WATER SERVICE IN HYRUM CITY; ESTABLISHING AND ADOPTING CAPITAL FACILITIES PLAN, OR OTHER REASONABLE PLANS, AND THE ASSOCIATED IMPACT FEE ANALYSIS FOR THIS SERVICE; ESTABLISHING SERVICE AREAS FOR EQUITABLE DISTRIBUTION OF IMPACT FEES; ADOPTING AN IMPACT FEE FOR THE PROVISION OF SAID SERVICE; REPEALING CONFLICTING SECTIONS OF CHAPTER 3.24 OF THE HYRUM CITY MUNICIPAL CODE; AND OTHER RELATED MATTERS.

Mayor Howard said Ordinance 09-02 will increase the culinary water impact fee to \$2,859.

ACTION

Councilmember LaBau made a motion to adopt Ordinance 09-02 an ordinance revising and adopting a policy for impact fees for culinary water service in Hyrum City; establishing and adopting Capital Facilities Plan, or other reasonable plans, and the associated impact fee analysis for this service; establishing service areas for equitable distribution of impact fees; adopting an impact fee for the provision of said service; repealing conflicting sections of Chapter 3.24. Councilmember Felix seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

CONSIDERATION AND AWARD OF BID FOR THE DESIGN OF 2.0 MILLION GALLON CULINARY WATER RESERVOIR.

Councilmember Rasmussen declared a conflict-of-interest because he is employed by Sargent Engineering and it submitted a bid for this project. Sargent Engineering was not selected as one of the top four engineering firms for this project; therefore, he will still participate in the discussion and vote on this item.

Mayor Howard said twelve consulting firms submitted proposals for the design of a new 2.0 million gallon culinary water reservoir:

Bush and Gudgell	\$170,500
JUB	60,000
Stanley Consultants	56,650
Keller Engineering	55,500
Aqua Engineering	54,900
Sargent Engineering	47,100
Cartwright Engineering	42,330
Cache Landmark	42,300
Sunrise Engineering	39,897
Stantec	39,700
Skyline	25,200
Civil Science	19,900

Because both City Engineer Craig Neeley and Councilmember Rasmussen are affiliated with firms submitting proposals, Hyrum City could not invite either of them to help review the submittals. Mayor Howard asked former Mayor Ralph Haycock to help review the proposals. Mayor Ralph Haycock is a Professor of Mechanical Engineering at Utah State University. Mayor Howard, Mayor Haycock, Corey Nielsen, Ron Salvesen, and Brent Jensen reviewed the proposals and developed a short list for interviews. Those interviewed were Civil Science, Aqua, Keller, and JUB. After the interviews Mayor Haycock recommended JUB or Aqua.

ACTION Councilmember LaBau made a motion to award Aqua Engineering the design of the 2.0 million gallon Culinary Water Reservoir for \$54,900. Councilmember Miller seconded the motion and all five councilmembers voted aye.

CONSIDERATION AND AWARD OF BID FOR THE CONSTRUCTION OF DRYING BEDS AT THE HYRUM CITY WASTEWATER TREATMENT FACILITY.

Mayor Howard said five contractors submitted bids for the construction of drying beds at the Hyrum City Wastewater Treatment Facility:

CPC	\$242,345.36
LeGrand Johnson Const.	203,288.10
TBP Construction	217,945.00
Fisher Construction	214,621.50
Staker Parson	209,779.25

City Engineer's Estimate \$220,786.50

Aqua Engineering recommends awarding the bid to LeGrand Johnson Construction in the amount of \$203,288.10.

ACTION **Councilmember James made a motion to award LeGrand Johnson Construction the construction of drying beds at the Hyrum City Wastewater Treatment Facility for \$203,288.10. Councilmember Rasmussen seconded the motion.**

Wastewater Superintendent Kevin Maughan asked if the City Council would consider allowing additional drying beds to be built up to the \$300,000 budgeted. Originally he asked for double the amount of beds but due to budget cuts the number of beds requested was reduced.

Mayor Howard said it may be cheaper to construct the beds right now, but it may not be the best time to spend the additional money. The City is considering increasing sewer rates to cover current operation and maintenance costs. The City Council can accept the bid as is and then if needed a change order could be issued.

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

CULINARY WATER AND WASTEWATER RATES.

Mayor Howard asked the City Council if it wanted to hold a public hearing to increase culinary water and wastewater rates.

The City Council recommended holding a public hearing at the next City Council Meeting to receive public comment on the proposed rate increases.

FIRE STATION.

City Administrator D. Brent Jensen said the City needs to know whether to engage an architect to design a fire station in order to apply for stimulus money and risk losing this investment if Hyrum City ultimately uses a lease/buy plan or whether to explore the lease/buy plan further before deciding to design. Other financing options include Community Impact Board funding or a general obligation or revenue bond. There isn't much grant money available for fire stations outside of whatever programs offered through the stimulus package. The stimulus package has 240 million dollars available nationwide for fire stations, so the chance of the City receiving money for its fire station is not great. Like the water reservoir, if stimulus funding isn't available, the plans can be shelved until such time as the City

