

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 7, 2009 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Pro-Tempore Ramussen

ROLL CALL: Councilmembers Paul C. James, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen present.

EXCUSED: Mayor W. Dean Howard and Councilmember Martin L. Felix.

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

OTHERS PRESENT: City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, City Treasurer Lynn Coulam and six citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Pro-Tempore Rasmussen 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 LaBau led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

The minutes of April 2, 2009 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of a regular meeting on April 2, 2009 as written. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

The minutes of April 7, 2009 were approved as written.

ACTION Councilmember LaBau made a motion to approve the minutes of a special meeting on April 7, 2009 as written. Councilmember James 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 Miller made a motion to approve the agenda as written. Councilmember James seconded the motion and all four councilmembers present voted aye.**

AGENDA

8. SCHEDULED DELEGATIONS:
 - A. Noel Olsen - To discuss safety concerns with the Tri-Utah Triathlon.
 - B. Bruce Blaine, Blacksmith Fork Business Center - To request a reduction of the Final Bond for Blacksmith Fork Business Center.
9. INTRODUCTION AND ADOPTION OF A RESOLUTION AND AN ORDINANCE:
 - A. Resolution 09-07 - A resolution accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (Mark Miller Annexation - 5.79 acres).
 - B. Ordinance 09-05 - An ordinance amending Section 6.08.120 of Chapter 6.08 of Title 6 of the Hyrum City Municipal Code, restricting dogs at the Hyrum Senior Center.
10. OTHER BUSINESS:
 - A. Provisions for an Interlocal Library Agreement with Cache County.
 - B. Presents the 2009-2010 Operating Budgets.
 - C. Consideration and award of bid for the 800 East Sidewalk project.
 - D. Discussion of Good Landlord Program.
 - E. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

NOEL OLSEN - TO DISCUSS SAFETY CONCERNS WITH THE TRI-UTAH TRIATHLON.

Noel Olsen said he participated in the Tri-Utah Triathlon held in Hyrum last year and was injured due to a car parked in an area where it shouldn't have been. Tri-Utah had a risk management plan for the event but it wasn't followed. The risk management plan prohibited cars being parked on the sides of the roads adjacent to Hyrum State Park. The accident he was involved in could have been avoided if Tri-Utah would have adhered to its risk management plan. He wanted Hyrum City to be aware of the safety problems that existed last year with the triathlon to hopefully prevent future accidents. The triathlon is held in Hyrum City and Hyrum City should take some responsibility in ensuring the risk management plan is followed.

Mayor Pro-Tempore Rasmussen said the triathlon is held in Hyrum but it is not Hyrum City's responsibility to make sure that Tri-Utah complies with its own risk management plan.

Noel Olsen said he is concerned about safety and since the triathlon is held in Hyrum, Hyrum should be too.

Mayor Pro-Tempore Rasmussen said the City Council met with John Anderson who is over the Tri-Utah Triathlon in March to discuss safety concerns and parking problems. John requested permission to tape off the road on 400 West 300 South so that people would not park along the side of the roads. The City Council approved John's request to not allow parking on 400 West 300 South the morning of the triathlon. Hyrum City is willing to work with Tri-Utah but Hyrum City can not and is not responsible for traffic control, parking issues, and ensuring Tri-Utah complies with its own risk management plan.

John Anderson with Tri-Utah Triathlon said the safety problem Noel Olsen is discussing will not be an issue this year since Hyrum City agreed to not allow parking on 400 West 300 South the morning of the triathlon. He will send a letter to Noel Olsen and the City addressing some of the concerns mentioned by Noel at tonight's meeting.

BRUCE BLAINE, BLACKSMITH FORK BUSINESS CENTER - TO REQUEST A REDUCTION OF THE FINAL BOND FOR BLACKSMITH FORK BUSINESS CENTER.

Brook Staples said Bruce Blaine was unable to attend tonight's meeting. Almost all of the improvements for the Blacksmith Fork Business Center are complete, but due to the weakened economy and credit crisis this project has ran into some financial troubles. Celtic bank has agreed to provide additional financing for this project to assist in paying contractors for work already completed. Along with this the bank and Bruce Blaine are requesting the City reduce its final required bond amount from 20% to 10% or \$97,129.00 This will make available additional funds that are assumed to be used to pay contractors. The subcontractors will provide a reasonable warranty repair on the individual systems as necessary.

City Administrator D. Brent Jensen said if the City Council agrees to reducing the bond amount so that contracts can be paid, the City will need a written letter listing the names of the contractors and the amount that is being paid.

ACTION Councilmember James made a motion to reduce Blacksmith Fork Business Center's bond to \$97,129.00 on the condition that the developer provide to the City a written letter listing the names of the contractors and the amount that is being paid. Councilmember LaBau seconded the motion.

Councilmember Miller recommended amending Councilmember James' motion to include that the developer also provide to the City written statements from each subcontractor warranting their respective work and/or construction for the period of 12 months from the date of final acceptance of the project. Councilmembers James and LaBau accepted Councilmember Miller's amendment to the motion and all four councilmembers present voted aye.

INTRODUCTION AND ADOPTION OF A RESOLUTION AND AN ORDINANCE:

RESOLUTION 09-07 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (MARK MILLER ANNEXATION - 5.79 ACRES).

City Administrator D. Brent Jensen said Mark Miller submitted an annexation petition for 5.79 acres just west of Junior Miller's house on 200 East 400 South where Jim Miller built a new house. Part of the total property area (the part where Jim built his house) is already inside city limits, but part of it lies in the county, and the Miller brothers want to create a three lot Planned Unit Development, so the rest of the parcel must be annexed into the City.

ACTION Councilmember James made a motion to approve Resolution 09-07 accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953 as amended the Mark Miller annexation). Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

ORDINANCE 09-05 - AN ORDINANCE AMENDING SECTION 6.08.120 OF CHAPTER 6.08 OF TITLE 6 OF THE HYRUM CITY MUNICIPAL CODE, RESTRICTING DOGS.

City Administrator D. Brent Jensen said Section 6.08.120 lists several properties where dogs are prohibited, including the City Square, Cemetery, East Park, Soccer Field, etc. It does not specifically mention the Senior Center and while we consider it part of the East Park complex, someone else might not. This Ordinance will clarify that dogs are prohibited at the Senior Center.

ACTION Councilmember LaBau made a motion to adopt Ordinance 09-05 amending Section 6.08.120 of Chapter 6.08 of Title 6 of the Hyrum City Municipal Code, restricting dogs at the Senior Center. Councilmember Miller

seconded the motion and all four councilmembers present voted aye.

OTHER BUSINESS:

PROVISIONS FOR AN INTERLOCAL LIBRARY AGREEMENT WITH CACHE COUNTY.

City Administrator D. Brent Jensen said Cache County has asked Hyrum City to enter into an agreement with Cache County for use of the Hyrum Library by county residents. Under the plan, Hyrum City would issue cards to county residents and then bill the county for the cards based on the number of subscribers or county patrons signing up each month at the rate of \$30 per card. This service is proposed on a 12 month trial basis.

Councilmember Miller asked if the Head Librarian Ginny Tremayne had read the proposed agreement.

City Administrator D. Brent Jensen said he met with Head Librarian Ginny Tremayne to discuss the proposed agreement. She thought it would be fine for county residents but wouldn't want it if it involved every community in the county.

ACTION Councilmember James made a motion to approve a request from Cache County to consider entering into an interlocal agreement for library services. Councilmember Miller seconded the motion and Councilmembers James, LaBau, and Miller voted aye and Councilmember Rasmussen voted nay. The motion passed.

PRESENTS THE 2009-2010 OPERATING BUDGETS.

Mayor Pro-Tempore Rasmussen distributed a copy of the 2009-2010 Operating Budgets proposal.

At the next City Council Meeting the City Council will adopt the tentative budget and set a date for the public hearing. The City Council agreed to schedule the budget workshop on May 14, 2009 at 5:30 p.m.

CONSIDERATION AND AWARD OF BID FOR THE 800 EAST SIDEWALK PROJECT.

City Administrator D. Brent Jensen said Hyrum City received six bids for the installation of sidewalks on 800 East:

Contractor	Bid Amount
Valley Concrete	\$12,999.00
Terry Bingham Construction	\$14,637.00
TBP Construction	\$16,570.00
Geneva Rock Products	\$17,760.00
Lundahl Building Systems	\$18,930.50
CPC	\$19,675.90

Aqua Engineering has contacted several of the references provided by the project low bidder Valley Concrete. All had positive recommendations. Based on these comments it recommended that the project be awarded to Valley Concrete, in the amount of \$12,999.

ACTION Councilmember James made a motion to award the 800 East sidewalk project to Valley Concrete in the amount of \$12,999.00. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

DISCUSSION OF GOOD LANDLORD PROGRAM.

Councilmember Miller reported on the Good Landlord Program. The Good Landlord Program is currently being used in five communities in Utah. She will contact the Good Landlord Coordinator Paul Smith and ask him to attend a future City Council Meeting to discuss the program.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Miller said the Hyrum City Princess Pageant was held in April. She is looking for volunteers to take over the Hyrum City Princess Pageant next year and to help with the fair booth.

Councilmember James said Hyrum City is switching its email addresses from .org to .com.

ADJOURNMENT:

ACTION There being no further business before the City Council, the Council Meeting adjourned at 8:05 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: May 21, 2009
As Written