

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JULY 16, 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, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen present.

EXCUSED: Paul C. James

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, and one citizen. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Mayor Howard led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

The minutes of June 18, 2009 were amended as follows: Page 186, Paragraph 4, change "Capital Projects Fun" to "Capital Projects Fund".

ACTION Councilmember Miller made a motion to approve the minutes of June 18, 2009 with the above amendment. Councilmember LaBau 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, posted on the State of Utah Public Notice website, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

ACTION Councilmember Rasmussen 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. Jeff Whiteley, Excellence in the Community - To discuss a grant from the Utah Arts Council for programs to be

held at Elite Hall.

9. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCE:
 - A. Resolution 09-11 - A resolution approving an Identity Theft Prevention Program.
10. OTHER BUSINESS:
 - A. Appointment to Senior Center Board.
 - B. Nuisance Inspector.
 - C. Parking on 200 South between 700 and 800 East.
 - D. Pressurized irrigation connections.
 - E. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

JEFF WHITELEY, EXCELLENCE IN THE COMMUNITY - TO DISCUSS A GRANT FROM THE UTAH ARTS COUNCIL FOR PROGRAMS TO BE HELD AT ELITE HALL.

Councilmember Miller said Jeff Whiteley with Excellence in the Community was unable to attend tonight's meeting. Jeff received a grant from the Utah Arts Council and wants to use the Elite Hall for plays, recitals, concerts, etc. four times a year. He asked if the City would be willing to allow him to use the Elite Hall for these programs and not charge a building rental fee and help with publicity and advertisement. A modest admission price would be charged to help cover costs and replenish funds. The City will get a percent of the ticket sales. He also asked if the City would be willing to donate or pay for a couple of hotel rooms and meals for the performers who are coming here from out-of-town. Jeff said he will give the City a percentage of the ticket sales.

Councilmember LaBau said he is in favor of allowing Jeff to use the Elite Hall at no cost for cultural activities. However, he does not think the City should agree to purchase rooms or meals.

Mayor Howard said rather than the City paying for meals and rooms he would prefer Jeff not give the City a percent of the ticket sales.

Councilmember Miller said she will contact Jeff to tell him the City will allow him to use the Elite Hall four times a year free of charge, and help with advertising and publicity for cultural activities held at the Elite Hall. The City does not have the funds to help cover hotel rooms and meals for the performers and will not take a share of the ticket sales.

INTRODUCTION AND ADOPTION OF A RESOLUTION:

RESOLUTION 09-11 - A RESOLUTION APPROVING AN IDENTITY THEFT PREVENTION PROGRAM.

Mayor Howard said the Federal Government is requiring financial

institutions and creditors to adopt an Identity Theft Prevention Program. Hyrum City is considered a creditor because of its utility accounts. The Identity Theft Protection Program is designed to aid in the detection, prevention, and mitigation of identity theft in connection with the opening of or an existing account.

ACTION Councilmember Felix made a motion to approve Resolution 09-11 approving an Identity Theft Prevention Program. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

OTHER BUSINESS:

APPOINTMENT TO THE SENIOR CENTER BOARD.

This item was tabled until the next City Council Meeting.

NUISANCE INSPECTOR.

Mayor Howard said City Attorney Craig Carlston suggests the city appoint a nuisance inspector in order to take advantage of a section of state law (10-11-1) allowing cities to forcibly clean up properties and then recover the cost thereof either through lawsuit or by adding the cost to property taxes.

ACTION Councilmember LaBau made a motion to appoint Ron Salvesen as Hyrum City's Nuisance Inspector. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

PARKING ON 200 SOUTH BETWEEN 700 AND 800 EAST.

City Administrator D. Brent Jensen said there have been requests for the City to designate additional property on 200 South as "No Parking". People were concerned that their driveways would be blocked during the fireworks, parking on the grass, and other inconveniences. A couple of years ago the City posted "No Parking" signs on 200 South between 700 and 800 East to accommodate the residents that were complaining about Mountain Crest High School students and people attending soccer games that were parking in front of driveways and mailboxes. This may have set a bad precedent by accommodating those residents and maybe the "No Parking" signs should be taken down.

Mayor Howard said if it is the City's property then people should be allowed to park on it. The City needs to be consistent in its decisions.

The City Council agreed to have City Staff remove the "No Parking" signs along 200 South between 700 and 800 East.

PRESSURIZED IRRIGATION CONNECTIONS.

City Administrator D. Brent Jensen said due to the challenges of providing enough water throughout the summer, officials from Hyrum Irrigation have suggested the city stop approving new connections to the irrigation system. Their argument is the city cannot continue to allow connections to the system and expect to provide the traditional level of service. The City reserves the right to refuse connections if the connection increases operation costs, impairs water availability, or otherwise proves detrimental to the system. Part of the problem is poor management of streamflow by the irrigation company. Furthermore, we suspect upstream users are capturing part of our Porcupine Reservoir water, and so we have hired Eugene Israelsen to measure flows in the canal to disprove or confirm our suspicions. He asked if the City Council will withhold further connections to the irrigation system except for those already approved in platted subdivisions.

ACTION **Councilmember Rasmussen made a motion to prohibit additional connections to the pressurized irrigation system except for in approved platted subdivisions and in the original service area. Councilmember LaBau seconded the motion.**

Councilmember LaBau said it would probably be cheaper for a property owner with a 12,000 square foot lot to water outside with culinary water rather than paying for a pressurized irrigation connection and the monthly assessment. He asked how many additional connections could the pressurized irrigation system serve and how the City was going to ensure it receives its entitled water.

Councilmember Rasmussen said the City should consider this matter in the fall after Eugene Israelsen has completed his study on measuring stream flows to determine if Hyrum City is receiving its full share of water.

Councilmember Rasmussen withdrew his motion and Councilmember LaBau withdrew his second to the motion.

The City Council agreed to continue allowing connections to the pressurized irrigation system.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember LaBau said the West Nile Virus has been found in mosquitoes in Benson and Petersboro. Due to the wet spring there are a lot of mosquitoes this year.

Councilmember Felix said he will be absent from the next City

Council Meeting. He is attending a Utah Rural Summit Conference.

Councilmember Miller said she has met with the Sesquicentennial Committee and it is starting to make plans. August 4 is National Night Out Against Crime. The Fair Booth Committee is working on the design for this year's booth.

Mayor Howard said Payson Power Plant is up and running again. Since it was overhauled it has been running 1% over capacity. Hunter is at 85% capacity, but it has been offline 98% of the month. Fuel costs for IPP are higher than budgeted. San Juan is running under budget and is producing power. Brigham City has opted out of the wind program in Idaho. Colorado River Storage Project (CRSP) is 215% above normal. UAMPS is expecting a 10% increase in CRSP power costs on October 1. Lake Powell is at 67% capacity.

ADJOURNMENT:

ACTION There being no further business before the City Council, the Council Meeting adjourned at 7:30 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: August 6, 2009
 As Written