

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD AUGUST 20, 2009 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Pro-Tempore Rasmussen

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

EXCUSED: Mayor W. Dean Howard

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

OTHERS PRESENT: City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, Wastewater Superintendent Kevin Maughan and six citizens. Secretary Keesha Rinderknecht recorded the minutes.

WELCOME: Mayor Pro-Tempore Rasmussen welcomed everyone in attendance.

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

INVOCATION: Councilmember Miller

APPROVAL OF MINUTES:

The minutes of August 6, 2009 were amended as follows: Page 183, Paragraph 14, change "Ordinance 09-10" to "Ordinance 09-09"; Page 185, Paragraph 2 after "other Public Bodies of Hyrum City" delete "he agenda with the above amendment"; and Paragraph 6, after "Some of the property" change "owner's" to "owners"; Page 186 Paragraph 6, after "Councilmember LaBau made a motion to" change "table" to "approve"; and Page 187, Paragraph 2, delete entire paragraph.

ACTION Councilmember James made a motion to approve the minutes of August 6, 2009 with the above amendments. 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, 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 James made a motion to approve the agenda as written. Councilmember Felix seconded the motion and all five councilmembers voted aye.

AGENDA

8. PUBLIC HEARING:
 - A. To receive public comment regarding a petition filed by Hyrum City proposing the annexation of 20 acres more or less of real property, located at approximately 700 South between 500 East and 700 East (Hyrum Irrigation Ponds).
 - B. To receive public comment regarding a petition filed by James Miller, Mark Miller, and Kris Miller proposing the annexation of 5.79 acres more or less of real property, located at approximately 550 South between 150 East and 200 East.
9. INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCES:
 - A. Resolution 09-12 - A resolution amending the Design Standards and Construction Specifications for Public Works Construction in Hyrum City.
 - B. Ordinance 09-08 - An ordinance amending Section 5.04.200 Home Occupation of Chapter 5.04 Business Licenses Generally of the Hyrum City Municipal Code to prohibit specific businesses from being granted a Home Occupation Business License.
 - C. Ordinance 09-10 - An ordinance amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (the Hyrum City Irrigation Pond Property).
10. OTHER BUSINESS:
 - A. Award of water and stormwater improvement project bids.
 - B. Appointment of Election Judges.
 - C. Mayor and City Council reports.
11. ADJOURNMENT

PUBLIC HEARING:

TO RECEIVE PUBLIC COMMENT REGARDING A PETITION FILED BY HYRUM CITY PROPOSING THE ANNEXATION OF 20 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED AT APPROXIMATELY 700 SOUTH BETWEEN 500 EAST AND 700 EAST (HYRUM IRRIGATION PONDS).

ACTION Councilmember Felix made a motion at 6:36 p.m. to open the Public Hearing to receive public comment regarding a petition filed by Hyrum City proposing the annexation of 20 acres more or less of real property, located at approximately 700 South between 500 East and 700 East (Hyrum Irrigation Ponds); and regarding a petition filed by James

Miller, Mark Miller, and Kris Miller proposing the annexation of 5.79 acres more or less of real property, located at approximately 550 South between 150 East and 200 East. Councilmember James seconded the motion and all five councilmembers voted aye.

Mayor Pro-Tempore Rasmussen asked for public comment, there being none he called for a motion to close the public hearing.

ACTION

Councilmember James made a motion at 6:37 p.m. to close the Public Hearing to receive public comment regarding a petition filed by Hyrum City proposing the annexation of 20 acres more or less of real property, located at approximately 700 South between 500 East and 700 East (Hyrum Irrigation Ponds); and regarding a petition filed by James Miller, Mark Miller, and Kris Miller proposing the annexation of 5.79 acres more or less of real property, located at approximately 550 South between 150 East and 200 East. Councilmember Felix seconded the motion and all five councilmembers voted aye.

TO RECEIVE PUBLIC COMMENT REGARDING A PETITION FILED BY JAMES MILLER, MARK MILLER, AND KRIS MILLER PROPOSING THE ANNEXATION OF 5.79 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED AT APPROXIMATELY 550 SOUTH BETWEEN 150 EAST AND 200 EAST.

Public Hearing item 8. B. was discussed earlier in the meeting under Public Hearing item 8. A.

INTRODUCTION AND ADOPTION OF A RESOLUTION AND ORDINANCES:

RESOLUTION 09-12 - A RESOLUTION AMENDING THE DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION IN HYRUM CITY.

Mayor Pro-Tempore Rasmussen said there has been a change in the state general requirements and specifications for sanitary sewer installations requiring sewer lateral lines to be marked.

Wastewater Superintendent Kevin Maughan said with this change anything from this point forward that is put into the ground or located would need to be mapped with the depth and location. Some technology is available that would allow a tracer wire or tape to be run down the line giving you the depth of your location. Right now the best access would be to install a sprinkler type box that would give access to the cleanout just outside of the house.

Mayor Pro-Tempore Rasmussen asked if this change would require

the City to map the existing lateral lines.

Wastewater Superintendent Kevin Maughan said existing lines would only have to be marked if they were replaced or repaired.

AMENDED Councilmember James ~~said~~ recommended the City research State ~~and~~
~~Federal~~ Plumbing Codes to determine if Section 5.2.1.D. requiring
09-03-09 sewer lines including laterals to have a horizontal separation of
ten feet is correct.

ACTION Councilmember James made a motion to adopt Resolution 09-12
a resolution amending the Design Standards and Construction
Specifications for Public Works Construction in Hyrum City.
Councilmember LaBau seconded the motion and all five
councilmembers voted aye.

**ORDINANCE 09-08 - AN ORDINANCE AMENDING SECTION 5.04.200 HOME
OCCUPATION OF CHAPTER 5.04 BUSINESS LICENSES GENERALLY OF THE
HYRUM CITY MUNICIPAL CODE TO PROHIBIT SPECIFIC BUSINESSES FROM
BEING GRANTED A HOME OCCUPATION BUSINESS LICENSE.**

Mayor Pro-Tempore Rasmussen said he appreciates all the input
from residents and City Staff regarding this ordinance.

Councilmember LaBau asked Mayor Pro-Tempore Rasmussen if he would
allow public comment on Ordinance 09-08.

Mayor Pro-Tempore Rasmussen said this is not a Public Hearing,
but the public was welcome to comment briefly on Ordinance 09-08.

Councilmember James said he would like to clarify that this
ordinance will only restrict future businesses and not affect the
current home occupation business licenses.

Citizen Patricia Schieb asked what the parameters are for a home
occupation car repair business.

Mayor Pro-Tempore Rasmussen said the parameters are included on
the home occupation business license application and also in the
City's nuisance ordinance that is available at the City Offices.

Citizen Lisa Vander Wal said she lives next to a home with a home
auto repair business. It makes a huge difference in the
neighborhood with traffic, noise, etc. She also has a garden
about 50 feet from some junk cars and doesn't know what or if
anything is leaking from these cars and possibly contaminating
the soil. Does the city require any inspections to monitor these
situations?

Mayor Pro-Tempore Rasmussen said when someone reports an
environmental concern to the City it is addressed under the

City's nuisance ordinance. The City does not conduct regular inspections on home occupation businesses.

Councilmember Miller said based on the comments she has received from citizens, it is very obvious that auto and R.V. repairs are not wanted in residential areas. She agrees they belong only in commercial zones.

Councilmember Felix said the City Council may want to consider adding to the license application that any fines or fees required to bring the business into compliance would be paid by the licensee.

ACTION Councilmember James made a motion to approve Ordinance 09-08 amending Section 5.04.200 Home Occupation of Chapter 5.04 Business Licenses Generally of the Hyrum City Municipal Code to prohibit specific businesses from being granted a Home Occupation Business License with the following amendment to Item B. omit "welding or machine shops, cabinet making, restaurants, and animal clinics". Councilmember Miller seconded the motion.

ACTION Councilmember LaBau recommended amending Councilmember James' motion to also delete under Section 5.04.200 "or the prohibited". Councilmember James and Miller accepted Councilmember LaBau's amendment to the motion.

Mayor Pro-Tempore Rasmussen called for a vote on the motion and all five councilmembers voted aye.

ORDINANCE 09-10 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (THE HYRUM CITY IRRIGATION POND PROPERTY).

ACTION Councilmember James made a motion to approve Ordinance 09-10 amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (the Hyrum City Irrigation Pond Property). Councilmember Felix seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

AWARD OF WATER AND STORMWATER IMPROVEMENT PROJECT BIDS.

Mayor Pro-Tempore Rasmussen said the City received six bids for the 2009 Water and Stormwater Improvement Projects.

<u>Bidder</u>	<u>Bid Amount</u>
G&G Neiderhauser Const.	\$133,012.50
Marsh Construction	\$168,064.25
Ron Foster Construction	\$168,678.75
TBP Construction	\$173,194.00
Geneva Rock Products	\$173,917.00
ABCO Construction	\$186,272.95

City Engineer Craig Neeley is recommending awarding the bid for the 2009 Water and Stormwater Improvement Projects to G&G Niederhauser Construction for \$133,012.50.

ACTION Councilmember James made a motion to award the 2009 Water and Stormwater Improvement Projects to G&G Niederhauser Construction in the amount of \$133,012.50. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

APPOINTMENT OF ELECTION JUDGES.

Mayor Pro-Tempore Rasmussen said that most of the election judges have served previously. This year all districts will vote at the Civic Center and vote alphabetically.

ACTION Councilmember LaBau made a motion to approve the appointment of the 2009 Election Judges. Councilmember Felix seconded the motion and all five councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember LaBau said there have been no reported cases of West Nile in the State of Utah.

Councilmember Felix said that he attended the Rural Utah Conference in Cedar City, it was very beneficial and well worth attending.

Councilmember James said that the City is looking into a new program for the cemetery, which will allow people to find relatives graves, locations, etc. on our city web-site.

Councilmember Miller said that the concert and dance at the Elite Hall is tentatively scheduled for Saturday, November 28th which is Thanksgiving weekend. The youth council is helping with the Top of Utah Marathon on September 19th. The plans for the sesquicentennial are going well. The next scheduled meeting is on August 27.

Mayor Pro-Tempore Rasmussen said Hyrum City didn't receive any bids on the upper 40 acre Left Hand parcel of property. The minimum bid on the property was \$300,000. He asked to have the property placed on the next City Council agenda. The proposed fire station property will limit access onto Main Street requiring 150 feet from existing driveways and intersections.

ADJOURNMENT:

ACTION **There being no further business before the City Council, the Council Meeting adjourned at 7:18 p.m.**

Craig Rasmussen
Mayor Pro-Tempore

ATTEST:

Stephanie Fricke
City Recorder

Approved: September 3, 2009
 As Amended