

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 3, 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, and Stephanie Miller. Councilmember Craig Rasmussen arrived at 6:40 p.m.

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, Zoning Administrator Ron Salvesen, and three citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

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

INVOCATION: Councilmember Felix

APPROVAL OF MINUTES:

The minutes of August 20, 2009 were amended as follows: Page 4, paragraph 1 after "Councilmember James" delete "said" and after "research State" delete "and Federal".

ACTION Councilmember LaBau made a motion to approve the minutes of August 20, 2009 with the above amendment. Councilmember Felix 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 James made a motion to approve the agenda as written. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

AGENDA

- 8. INTRODUCTION AND ADOPTION OF ORDINANCES:
 - A. Ordinance 09-11 - An ordinance amending the Municipal

Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (M. Miller Annexation).

- B. Ordinance 09-12 - An ordinance adding Section 5.04.200 (G) to Title 5 (Business Licenses and Regulations) of the Hyrum City Municipal Code to require cost of code enforcement to be paid by licensee.
9. SCHEDULED DELEGATIONS:
- A. Jeff Covert - To request renewal of a Home Occupation Business License at 260 South 700 East for an automobile repair shop.
10. OTHER BUSINESS:
- A. Left Hand Fork Property.
- B. Closed Session - To discuss the purchase of real property.
- C. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

JEFF COVERT - TO REQUEST RENEWAL OF A HOME OCCUPATION BUSINESS LICENSE AT 260 SOUTH 700 EAST FOR AN AUTOMOBILE REPAIR SHOP.

Jeff Covert was not in attendance.

ACTION Councilmember Miller made a motion that if Jeff Covert arrived at the meeting to allow this item to be discussed at that time. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

Councilmember Rasmussen arrived at 6:40 p.m.

This item was discussed after Left Hand Fork Property.

INTRODUCTION AND ADOPTION OF ORDINANCES:

ORDINANCE 09-11 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (M. MILLER ANNEXATION).

ACTION Councilmember James made a motion to adopt Ordinance 09-11 amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (M. Miller Annexation). Councilmember Felix seconded the motion and all five councilmembers voted aye.

ORDINANCE 09-12 - AN ORDINANCE ADDING SECTION 5.04.200(G) TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE HYRUM CITY

MUNICIPAL CODE TO REQUIRE COST OF CODE ENFORCMENT TO BE PAID BY LICENSEE.

ACTION Councilmember James made a motion to adopt Ordinance 09-12 an ordinance adding Section 5.04.200(G) to Title 5 (Business Licenses and Regulations) of the Hyrum City Municipal Code to require cost of code enforcement to be paid by licensee. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

LEFT HAND FORK PROPERTY.

Mayor Howard 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.

ACTION Councilmember LaBau made a motion to table the sale of Hyrum City's upper 40 acre parcel in Left Hand Fork Canyon until the spring of 2010. Councilmember Felix seconded the motion and all five councilmembers voted aye.

JEFF COVERT - TO REQUEST RENEWAL OF A HOME OCCUPATION BUSINESS LICENSE AT 260 SOUTH 700 EAST FOR AN AUTOMOBILE REPAIR SHOP.

Mayor Howard said on December 6, 2007 the City Council made a motion to grant Jeff Covert a one-year temporary Home Occupation Business License which expires January 31, 2008, for car repair with the following stipulations: there is a limit of four cars other than his own and no negative impact on the neighborhood. This year the City withheld his business license because he had several junk cars at his house and because the Council only approved the license through January 31, 2008.

Jeff Covert said he submitted his renewal application with the license fee in January. The City cashed his check but did not send the license. The City will not issue him the license until the City Council approves an extension of his Home Occupation Business License for an automobile repair shop at 260 South 700 East. It is not feasible for him to build a new shop or to rent a building to repair vehicles in. He will be out of a job if he has to shut down or move his business. He thought when the City Council approved his license in 2007 that he could reapply each year as needed.

Mayor Howard asked Jeff what happened to the money that citizens gave him to rebuild his building in Paradise after the fire in 2002.

Jeff Covert said he received approximately \$4,000 from citizens to help rebuild his shop in Paradise and he didn't have the additional funds necessary to rebuild his shop in Paradise.

Councilmember James said the City Council granted him a Home Occupation Business License with the stipulation that there would be no more than four cars other than his own on the premises. Two weeks ago when he drove past Jeff Covert's house there were 17 cars parked in his yard. The City Council recently amended Hyrum City's ordinance to prohibit car repair shops as a Home Occupation Business due to the negative impact it can have on a residential neighborhood. It is not fair to other auto repair businesses in Hyrum that operate in commercial zones to have to compete against people running a full time auto repair shop out of his/her home.

Councilmember Miller said Jeff provides a service to the community. The City received four complaints last fall and during the winter about Jeff's business and the junk cars in his yard. However, all of the callers said they didn't want to put him out of business but wanted fewer cars in the yard.

Jeff Covert said he has a lot of customers that rely on him to repair their vehicles. He promised to have only four vehicles in his yard if the Council would renew his license.

Councilmember Rasmussen said earlier in tonight's meeting the City Council adopted an ordinance that will require a Home Occupation Business License holder to pay for all costs of code enforcement, including city staff, professional services, etc. He asked Jeff what changes he would make to his business if the City Council renewed his business license.

Jeff Covert said if the City Council renewed his license he would not exceed four cars in his yard at one time. He realizes the importance of keeping the junk cars out of his yard so that he does not create a negative impact on his neighborhood.

ACTION

Councilmember LaBau made a motion to allow Jeff Covert a one year extension to his business license with the understanding that Jeff has one year to find another location for his business and at the end of the year the City Council will not renew his license. The same stipulations still apply: there is a limit of four cars other than his own and no negative impact on the neighborhood. Councilmember James seconded the motion.

Councilmember James recommended amending Councilmember LaBau's motion by changing "the City Council will not

renew his license" to "Jeff Covert will need to appear before the City Council again to request approval of his license for the following year." Councilmember LaBau accepted Councilmember James' amendment.

Earl Petersen said several years ago the City required him to move his home auto repair business to a commercial area. It is not fair to the existing businesses in Hyrum or to the neighbors to issue Jeff a permanent Home Occupation Business License for auto repair in a residential neighborhood. If City ordinances prohibit auto repair as a Home Occupation Business, then the City Council should not issue Jeff a license.

Councilmember Miller said the City issued Jeff a Home Occupation Business License before it changed its ordinance, therefore, Jeff's auto repair business license is grandfathered. If Jeff didn't already have a license then the City would not be able to issue him a Home Occupation Business License for auto repair.

Mayor Howard said before he calls for a vote on the motion he wanted the City Council to know that he is not in favor of extending Jeff's Home Occupation Business License under any conditions.

Councilmember Rasmussen said that he thinks the City needs to renew the license because it is grandfathered; and Jeff appears to be in conformance with the conditions of the license at this time. However, Jeff should be aware that if in the future it is found that the license conditions are not met, the City can act to enforce or revoke the home occupation license.

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

CLOSED SESSION - TO DISCUSS THE PURCHASE OF REAL PROPERTY.

ACTION Councilmember LaBau made a motion to go into a closed session at 6:55 p.m. to discuss the purchase of real property. Councilmember James seconded the motion and all five councilmembers voted aye.

This session was recorded "Closed Session 9/03/2009: Purchase of Real Property".

Those present in the closed session were Mayor Howard; Councilmembers Felix, James, LaBau, Rasmussen, and Miller; City Recorder D. Brent Jensen; Zoning Administrator Ron Salvesen; and City Recorder Stephanie Fricke.

ACTION Councilmember LaBau made a motion to adjourn the closed

session at 7:05 p.m. and convene into an open session. Councilmember Miller seconded the motion and all five councilmembers voted aye.

ACTION

Councilmember Felix made a motion to authorize City Administrator D. Brent Jensen to negotiate for the property discussed in the closed session. Councilmember James seconded the motion and all five councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember James said he is working with a company that will put Hyrum City's Cemetery records on the internet. Hyrum Smith has agreed to speak on April 10, 2009 as part of the activities for Hyrum City's Sesquicentennial Celebration.

Councilmember Miller said Hyrum City's Sesquicentennial Committee has held a couple of meetings and is working on finalizing activities and dates for Hyrum's Sesquicentennial Celebration. The Top of Utah Marathon is September 19, 2009. One of the Youth Council Advisors has asked to be replaced, she asked the City Council for names of people that may want to be a Youth Council Advisor.

Mayor Howard said the City is going to have a company remove the asbestos from the old grocery store. There are a lot of tables, shelves, benches, etc. in the building and he has asked City employees to remove the items from the building and place them in the parking lot with a sign that says "Free".

ADJOURNMENT:**ACTION**

There being no further business before the City Council, the Council Meeting adjourned at 7:25 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: September 17, 2009
As Written