

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 2, 2008 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, Zoning Administrator Ron Salvesen and sixteen citizens. 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 James

**APPROVAL OF MINUTES:**

The minutes of September 18, 2008 were amended as follows: Page 5, paragraphs 3 and 4, change "(sacks/c.v.)" to "(sacks/c.y.)"; Page 6, Paragraph 1 change "Councilmember Rasmussen said the proposed ordinance is too restrictive." to "Councilmember LaBau said the proposed ordinance is too restrictive."; and Page 7, paragraph 5, after "... for the 800 East Sidewalk Projects." add "Since the bid came in lower than expected City staff should ask U.D.O.T. if the remainder of the grant could be used on another project and if so have City staff coordinate it with U.D.O.T.".

**ACTION** Councilmember LaBau made a motion to approve the minutes of September 18, 2008 with the above amendments. Councilmember Miller 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 seconded the motion and all five councilmembers voted aye.

## AGENDA

8. INTRODUCTION AND ADOPTION OF RESOLUTIONS:
  - A. Resolution 08-29 - A resolution adopting a curb/gutter/sidewalk installation and maintenance plan.
  - B. Resolution 08-31 - A resolution adopting Elite Hall Rental Fees and Deposit Schedule.
10. OTHER BUSINESS:
  - A. Consideration to sell the upper 40 acre parcel in Left Hand Fork Canyon.
  - B. Mayor and City Council reports.
11. ADJOURNMENT

***INTRODUCTION AND ADOPTION OF RESOLUTIONS:*****RESOLUTION 08-29 - A RESOLUTION ADOPTING CURB/GUTTER/SIDEWALK INSTALLATION AND MAINTENANCE PLAN.**

Mayor Howard said on September 18, 2008 the City Council recommended City Staff review the curb/gutter/sidewalk plan to determine if the City wants to maintain and upkeep all of the sidewalks shown on the plan, and if there is a fair way to assess a sidewalk fee to all residents. The proposed resolution amends the curb/gutter/sidewalk plan significantly by eliminating sidewalks throughout Hyrum City except for major thoroughfares, such as, Main Street, 300 South, 300 North 400 West, Center, 800 East, and all major subdivisions.

Councilmember Rasmussen said the proposed curb/gutter/sidewalk plan references Hyrum City's General Plan that was passed by the City Council in July of 1994, it should state the General Plan that was passed by the City Council in December 2005.

Councilmember LaBau said the curb/gutter/sidewalk has been revised to eliminate the requirement of a property owner creating a mini-subdivision to install sidewalks, if the mini-subdivision fronts an area sited for sidewalks on the City's sidewalk grid. He objects to the City requiring some property owners to pay for sidewalks and not others, even though everyone uses the sidewalks. The City should pay for the installation and maintenance of sidewalks, except for the installation of sidewalks in a major subdivision. The City could pay for the sidewalks through the general fund or it could implement a special tax just for sidewalks. If the City had a tax for sidewalks then every resident would be paying for sidewalks rather than just those who have property that front the sidewalks.

City Administrator D. Brent Jensen said the cost of sidewalks has more than doubled over the five years. The City can not afford to install and replace sidewalks. He is concerned about the future of the sidewalks that are already installed throughout the

City. In 20 or 30 years there will be a lot of sidewalks that will need to be replaced and unless the City's financial status changes drastically the City won't have the money to replace the existing sidewalks.

Councilmember LaBau said there are cities throughout Utah that don't require individual property owners to fund the replacement or installation of sidewalks.

City Administrator D. Brent Jensen said unlike other cities, Hyrum City does not generate enough tax revenue to install and replace sidewalks.

Councilmember Rasmussen said the proposed sidewalk plan is a lot simpler than the current plan and it has eliminated sidewalks in areas that sidewalks are probably not necessary in. The proposed plan still allows residents to initiate the installation of sidewalks. Resident initiated requests for sidewalks will be considered by the City Council on a first come, first serve basis.

**ACTION**

Councilmember James made a motion to approve Resolution 08-29 adopting a curb/gutter/sidewalk installation and maintenance plan. Councilmember Felix seconded the motion.

Councilmember Rasmussen recommended amending the motion to designate both sides of the street for sidewalks on 300 North between 400 West and Center Street. Councilmember James and Felix accepted Councilmember Rasmussen's amendment to the motion and Councilmembers Felix, James, Miller, and Rasmussen voted aye, and Councilmember LaBau voted nay. The motion passed.

**RESOLUTION 08-31 - A RESOLUTION ADOPTING ELITE HALL RENTAL FEES AND DEPOSIT SCHEDULE.**

Mayor Howard said there currently is not a minimal rental time on the Elite Hall for lessons and/or practices. There are dance instructors renting the Elite Hall for only 30 minutes and are being charged one-half of the hourly rate. It is not feasible to heat the building for 30 minutes for a rental fee of \$5.00. City staff is suggesting a minimal rental of 2 hours be required for lessons and/or practices at the Elite Hall.

**ACTION**

Councilmember James made a motion to approve Resolution 08-31 adopting Elite Hall Rental Fees and Deposit Schedule. Councilmember Miller seconded the motion.

Councilmember LaBau recommended including in the motion amending the Business & Club Meetings Lunch to (D.U.P.,

Lions, Literary, American Legion, Saddle Club, etc.) Councilmember James and Miller accepted Councilmember LaBau's amendment to the motion and all five councilmembers voted aye.

**OTHER BUSINESS:**

**CONSIDERATION TO SELL THE UPPER 40 ACRE PARCEL IN LEFT HAND FORK CANYON.**

Amended  
10-16-08

Mayor Howard said on September 4, 2008 the City Council met with John Bennett with the LeRay McAllister Fund to discuss a conservation easement for the upper 49 acre parcel in Left Hand Fork Canyon. Since that meeting ~~that~~ the City Council has not discussed the upper 40 acre parcel in Left Hand Fork Canyon. He asked if the City Council was ready to make a decision on whether it wants to sell the property.

The City Council held a public hearing on July 17, 2008 to receive public comment regarding the sale of a 40 acre parcel located in Left Hand Fork Canyon of Blacksmith Fork Canyon. There was only one citizen who spoke during the public hearing and he hoped the City would consider trading the 40 acre parcel in Left Hand Fork Canyon with the Forest Service or apply for land conservation easement funding. The Forest Service is reluctant to look at small land exchanges and advised the City to sell the property if it had the opportunity.

Councilmember James said the upper 40 acre parcel in Left Hand Fork Canyon is a beautiful piece of property. However, after discussing the possibilities of a conservation easement and the funding the City would receive from a conservation easement, it would be in the City's best interest to sell the property and use the money to develop a park inside City limits.

Councilmember LaBau said he agrees with Councilmember James the City has looked at several different options, such as, developing the property into a campground and renting out spaces but by the time the City pays a campground host and maintenance the campground won't generate any revenue. The City could get some money from a conservation easement, but when and how much and is the City willing to put a conservation easement on the property for 50% of the conservation value. He asked how much park property could the City develop, if the upper 40 acre parcel sold for \$400,000.

City Administrator D. Brent Jensen said it costs approximately \$100,000 per acre to develop a park.

**ACTION**

**Councilmember Miller made a motion for the City to sell the upper 40 acre parcel in Left Hand Fork Canyon by sealed bid with a minimum bid of \$300,000.**

Councilmember Felix seconded the motion.

Councilmember LaBau recommended amending the motion to include the parcel number 17-35-0001 of the upper 40 acre parcel in Left Hand Fork Canyon. Councilmember Miller and Councilmember Felix accepted Councilmember LaBau's amendment to the motion and all five councilmembers voted aye.

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Rasmussen said at the last City Council Meeting Bonnie Nielsen's request for a two-lot mini-subdivision was tabled until the next City Council meeting so that the City Council could amend the sidewalk plan. He asked if the City Council needed to approve Bonnie Nielsen's mini-subdivision request now that the sidewalk plan has been amended.

Zoning Administrator Ron Salvesen said the Planning Commission approved Bonnie Nielsen's request for the mini-subdivision and City staff can grant final approval of it. Bonnie Nielsen came to the City Council to request waiving the sidewalk requirement not for the actual approval of the mini-subdivision. Now that the sidewalk plan has been amended, Bonnie doesn't need a special exception.

Councilmember Miller said the Youth Council helped with the Top of Utah Marathon. The Youth Council will also be helping with the Elk Festival on October 11, 2008 at Hardware Ranch.

**ADJOURNMENT:**

**ACTION**            **There being no further business before the Council, the Council Meeting adjourned at 7:15 p.m.**

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: October 16, 2008  
As Amended