

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD NOVEMBER 20, 2008 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 p.m.

**CONDUCTING:** Mayor Pro-Tempore Stephanie Miller

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

**EXCUSED:** Mayor W. Dean Howard and Councilmember Paul C. James

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

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen and eight citizens. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Pro-Tempore Miller welcomed everyone in attendance.

**PLEDGE OF ALLEGIANCE:** Boy Scout Brian Bingham led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember Felix

**APPROVAL OF MINUTES:**

The minutes of November 6, 2008 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of November 6, 2008 as written. Councilmember Felix seconded the motion and Councilmembers Felix, Miller, and Rasmussen voted aye and Councilmember LaBau abstained. The motion passed.

**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 Felix made a motion to approve the agenda as written. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

AGENDA

- 8. SCHEDULED DELEGATIONS:
  - A. City Engineer, Craig Neeley - To discuss the Water

Impact Fee Study, the Potable and Secondary Water Rights 40-year Master Plan, and the Potable and Secondary Water System 50-year Demand Projections.

- B. Dan Larsen, Rolling Hills Subdivision - To request preliminary plat approval for Rolling Hills Subdivision located at approximately 500 South between 400 East and 650 East.
9. INTRODUCTION AND ADOPTION OF RESOLUTIONS:
    - A. Resolution 08-33 - A resolution authorizing the execution and delivery of that certain Utah Associated Municipal Power Systems amended and Restated Agreement for Joint and Cooperative Action, and related matters.
    - B. Resolution 08-34 - A resolution for the appointment of a representative to the Cache Mosquito Abatement District.
  10. OTHER BUSINESS:
    - A. Residential landscaping ordinance.
    - B. Camp sites and rental fees for Canyon Campground, CCC Camp, and Left Hand Fork.
    - C. Mayor and City Council reports.
  11. ADJOURNMENT

***SCHEDULED DELEGATIONS:***

**CITY ENGINEER, CRAIG NEELEY - TO DISCUSS THE WATER IMPACT FEE STUDY, THE POTABLE AND SECONDARY WATER RIGHTS 40-YEAR MASTER PLAN, AND THE POTABLE AND SECONDARY WATER SYSTEM 50-YEAR DEMAND PROJECTIONS.**

City Engineer Craig Neeley said the purpose of these reports are to establish and recommend a new culinary water system development impact fee for Hyrum City pursuant to the "Impact Fees Act" of Section 11, Chapter 36 of the State of Utah Code. In order to be effective, an impact fee must be sufficient to ensure that development driven demands on infrastructure are offset by development funded improvements to infrastructure. For this analysis and report, culinary water capital facility improvements contained in the Thirty Year Master Water Plan, (Bush and Gudgell, 2002), the Culinary Water Impact Fee (Wikstrom 2004), and the Potable and Secondary Water Projections (Aqua 2007) were evaluated and updated to reflect additional data and to account for dramatic increases in the cost of construction. These improvements, defined by eighteen separate projects, were identified as being critical to enable Hyrum City to meet the future demands to its culinary water system for the next thirty plus years. Eight of these eighteen projects were determined to benefit both future and existing customers and were apportioned accordingly. To calculate the impact fee, each project was prioritized and then inserted into the thirty two-year planning interval in its order of completion. An annual inflation rate of 3% was applied to the present value construction cost of each improvement to account for inflation. The population projection

is based on data from the 2000 Census published by the U.S. Census Bureau. Between the years of 1990 and 2000, the average growth rate was 2.4%. A reference population of 6,316 was established for the year 2000. Based on this population and the specified growth rate, the current population is estimated to be 7,635. A projected population of 16,310 in the year 2040 is determined by extending this growth rate over an approximate thirty-two year planning period. To enable the formulation of an accurate fee, water service connections were separated into two categories; residential/light commercial and heavy industrial connections which consume a disproportionate amount of water but are expected to grow more slowly. The heavy industrial growth rate of .8% used in this report was determined by multiplying the population growth rate by a factor of one-third and applying it to the heavy industrial connections to project future heavy industrial ERC. Projected residential/light commercial connections were converted to equivalent residential connections (ERC) by dividing the population by 3.5 persons per household and then multiplying by 1.1 to account for the non-residential connections such as churches, schools, and shops. The total projected ERC utilizing the potable water system in thirty-two years are 11,417 ERC. Hyrum City currently has three potable water storage tanks totaling 3,265,000 gallons to provide an emergency supply when there is a disruption of the source such as a break in a water main, water supply for firefighting purposes, and to equalize peak flow requirements. There is currently storage for an additional 651 ERC which is projected to be used by 2014. With a potable water storage deficit of 1,481,800 gallons anticipated to be reached at the end of 2014, the construction of the two million-gallon storage tank planned in the Thirty-Year Master Water Plan was moved forward to 2014. The new tank will be located between the existing one million and two million-gallons tanks, replacing the existing 265,000 gallon tank. Water distribution system upgrades from the Thirty-Year Master Water Plan and the Culinary Water Impact Fee were all considered in the impact fee. Projects that have been completed and the small eight inch waterlines were excluded. The size of the waterlines in some of the proposed projects were increased and some additional projects include the pressure reducing stations (PRVs) on 300 North and 400 North that were completed this year. The impact fee per new ERC is calculated from the total construction costs and future professional expenses. The resulting culinary water impact fee is is \$2,859.

The purpose of the Forty-Year Master Plan is to comply with the State of Utah House Bill 51 water right amendments. H.B. 51 states the "reasonable future water requirements of the public" is the water needed for the next forty years within the Public Water Supplier's projected service areas based on the projected population growth or other water demands. This report evaluated the demographics including the population projections and land use in order to demonstrate the water right needs for Hyrum City

for the next forty years. The projected population can fit within the future annexation boundary. Potable and secondary water rights will be reviewed separately and then combined to establish an aggregate water right summary. The "reasonable future water requirements of the public" has been examined in the Forty-Year Master Plan. By combining both potable and secondary water rights demands, the total water right demand in the next forty years is estimated to be 12,640 acre feet resulting in an overall surplus of 5,584 acre feet. These surplus water rights are anticipated to be utilized in an additional fifteen years without any new heavy industrial connections. With the addition of the future annexation boundary and the ability to accommodate 28,800 connections. Hyrum City will have more than adequate buildable space to accommodate the forty-year projected population and water demand.

Councilmember LaBau said the Hyrum Water Rights Master Plan Land Use Map includes property west of Meridian Road to Highway 89/91 and that property is not included in Hyrum City's Annexation Declaration Area.

City Engineer Craig Neeley said reducing the Annexation Declaration Area will increase the number of connections available.

The City Council recommended City Engineer Craig Neeley move forward with the next step to amend Hyrum City's Water Impact Fee.

**DAN LARSEN, ROLLING HILLS SUBDIVISION - TO REQUEST PRELIMINARY PLAT APPROVAL FOR ROLLING HILLS SUBDIVISION LOCATED AT APPROXIMATELY 500 SOUTH BETWEEN 400 EAST AND 650 EAST.**

Zoning Administrator Ron Salvesen said on November 13, 2008 the Hyrum City Planning Commission recommended approval of the preliminary plat for Rolling Hills Subdivision located at approximately 500 South between 400 East and 650 East with the following conditions: 1. The sound wall be approved by City Staff after receiving report from sound engineer and the plat should include a notation regarding possible noise from the existing City pumps and generator next to subdivision; and 2. The Planned Unit Development needs to come back to the Planning Commission and City Council for consideration and approval.

Councilmember LaBau said if the City Council approves the preliminary plat for Rolling Hills Subdivision it needs to be stated that the City Council is not agreeing to or approving a Planned Unit Development as shown on the preliminary plat. Chapter 17.60 of the Hyrum City Municipal Code sets forth the regulations governing Planned Unit Developments and it is very specific about the process that a Planned Unit Development needs to go through to receive approval.

Dan Larsen said he understands that approval of the preliminary plat for Rolling Hills Subdivision does not mean approval of any kind for the Planned Unit Development.

Councilmember Rasmussen said the preliminary plat does not show the location of the fire hydrants. There needs to be a temporary turn around easement at 500 South 200 East. The boundary description does not match the boundaries shown on the plat. The description needs to be amended to match the plat. The plat shows a 25' radius on property corners and it can be reduced to a 10' radius, but this does not have to be amended if developer is planning on leaving them at that radius.

**ACTION** Councilmember Felix made a motion to approve the preliminary plat for Rolling Hills Subdivision with the following conditions: 1. The sound wall be approved by City Staff after receiving report from sound engineer and the plat should include a notation regarding possible noise from the existing City pumps and generator next to subdivision; 2. The Planned Unit Development needs to come back to the Planning Commission and City Council for consideration and approval; 3. The location of fire hydrants be shown on the plat; 4. Temporary turn around easement for 500 South 200 East; and 5. The boundary description be amended to match the plat. Councilmember LaBau seconded the motion.

Councilmember Rasmussen recommended amending Councilmember Felix's motion to include that City Engineer Craig Neeley review and address Councilmember Rasmussen's hand written comments and mark ups on the preliminary plat. Councilmember Felix and LaBau accepted Councilmember Rasmussen's amendment to the motion. Mayor Pro-Tempore Miller called for a vote on the motion and all four councilmembers present voted aye.

*INTRODUCTION AND ADOPTION OF RESOLUTIONS:*

RESOLUTION 08-33 - A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THAT CERTAIN UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE ACTION, AND RELATED MATTERS.

**ACTION** Councilmember Rasmussen made a motion to approve Resolution 08-33 authorizing the execution and delivery of that certain Utah Associated Municipal Power Systems amended and restated agreement for joint and

cooperative action and related matters. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

**RESOLUTION 08-34 - A RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE TO THE CACHE MOSQUITO ABATEMENT DISTRICT.**

**ACTION** Councilmember Felix made a motion to approve Resolution 08-34 appointing Councilmember LaBau to serve as a representative to the Cache Mosquito Abatement District. Councilmember Rasmussen seconded the motion and all Councilmembers Felix, Miller, and Rasmussen voted aye and Councilmember LaBau abstained. The motion passed.

***OTHER BUSINESS:***

**RESIDENTIAL LANDSCAPING ORDINANCE.**

Mayor Pro-Tempore Miller said the Planning Commission drafted an ordinance requiring residential lots to be landscaped. The City Council previously discussed this item at the April 3, 2008 City Council Meeting and decided to enforce the nuisance ordinance on weedy lots rather than adopting an ordinance requiring front yards to be landscaped. However, the Planning Commission is very concerned about this issue and a joint meeting between the City Council and Planning Commission was held on October 2, 2008 to discuss it again. The Planning Commission is recommending an ordinance be adopted requiring residential front yards to be landscaped to help improve the look of the City, raise property values, improve agricultural feel of the City, and lower neighborhood conflict. The City Council has a responsibility to keep the community a desirable place to live; however, she is concerned about the burden the proposed landscaping ordinance will have on new homeowners. The Planning Commission recommended giving a homeowner 12 months after occupancy to landscape the front yard, but she would prefer giving them 18 months. She asked if the City could require a developer or contractor to grade the soil and remove large rocks to make it easier for a homeowner to install a lawn.

Councilmember Rasmussen said 12 months does not give a new homeowner enough time to install a lawn when the weather only cooperates two to three months out of the year. The lawn has to be planted in early spring or late fall. The ordinance also requires the homeowner to install a sprinkler system and that should not be mandatory. If a homeowner wants to irrigate his/her lawn with a hose then they should be able to water the lawn with a hose. He is also concerned about the ordinance being retroactive to houses that are already built. If a house is already built and it has a weedy lot then the City should enforce

its nuisance ordinance rather than including it in the new landscaping ordinance.

Councilmember LaBau said he would be in favor of changing the amount of time a new homeowner has to plant a lawn from 12 months to 18 months.

Mayor Pro-Tempore Miller recommended City Staff revise the proposed ordinance by changing the amount of time a homeowner has to plant a lawn from 12 months to 18 months; eliminate the requirement for a homeowner to install a sprinkler system; and exclude houses that are already built from the landscaping ordinance.

**CAMP SITES AND RENTAL FEES FOR CANYON CAMPGROUND, CCC CAMP, AND LEFT HAND FORK.**

Mayor Pro-Tempore Miller said she has drawn plans to provide individual camp spaces at the CCC Camp and the Left Hand Fork Canyon lower parcel of property. The City has been renting the CCC Camp and Left Hand property for \$10 a night plus \$1 per person for groups over 20; and \$5 a night for a space in the Canyon Campground. The proposed rental fee schedule will be \$10 per space, per night for the Canyon Campground, CCC Camp, and Left Hand Fork. There will be eight individual spaces available in Left Hand Fork, plus a group and tent area. The City will no longer provide an access to Forest Service property and the City will string a cable along the property line to prevent people from accessing the Forest Service's property. There will be five individual spaces at the CCC Camp or the entire area can be reserved for \$50 per night. Reservations for the CCC Camp will be limited to Hyrum residents only. Rental for all Canyon properties will be limited to one group area, per person, per year.

Councilmember Rasmussen asked if the City would waive the rental fee if a boy scout troop wanted to do a service project at one of the Canyon properties.

City Administrator D. Brent Jensen said if a Boy Scout Troop wanted to do a service project in lieu of paying the rental fee, the City would consider it.

Mayor Pro-Tempore Miller said a resolution setting the Canyon Campground, CCC Camp, and Left Hand Fork rental fees will be on the next City Council agenda.

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Pro-Tempore Miller reminded the City Council of Hyrum Holiday at Hardware Ranch on December 13, 2008 from 11:00 a.m. to 2:00 p.m.

**ADJOURNMENT:**

**ACTION**            **There being no further business before the Council, the Council Meeting adjourned at 8:25 p.m.**

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Stephanie Miller  
Mayor Pro-Tempore

ATTEST:

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Stephanie Fricke  
City Recorder

Approved:   December 4, 2008    
          As Written