

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 2, 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, 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 two citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

AGENDA: 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.

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

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

The minutes of March 19, 2009 were amended as follows: Page 185, Paragraph 1, Sentence 4, change "sale" to "sell".

ACTION Councilmember James made a motion to approve the minutes of a regular meeting on March 19, 2009 with the above amendment. 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 Rasmussen seconded the motion and all five councilmembers present voted aye.

AGENDA

8. PUBLIC HEARING:

- A. To consider increasing culinary water and sewer rates.
9. SCHEDULED DELEGATIONS:
 - A. Devon Bartlett, Youth Council Member - To report on the Youth Council Leadership Training at USU.
 - B. Lacie Knight - To request a Home Occupation Business License for a hair salon at 237 South 1380 East.
10. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
 - A. Resolution 09-05 - A resolution setting culinary water rates.
 - B. Resolution 09-06 - A resolution setting sewer service rates.
 - C. Ordinance 09-03 - An ordinance amending Title 16 (Subdivision Ordinance) of the Hyrum City Municipal Code to further clarify that developers are responsible for planting street trees; to redefine installation of utilities before construction of sidewalks; and other minor housekeeping items.
 - D. Ordinance 09-04 - An ordinance amending Title 17 (Zoning Ordinance) of the Hyrum City Municipal Code to include provisions for the waiver of site plan for businesses with an expansion of 1,000 square feet or less; to limit residential facilities for persons with a disability or the elderly to not more than four; to require an owner of an accessory apartment to submit letter verifying all conditions for an accessory apartment have been and will continue to be met; to allow a subdivision sign to be permanent; and other minor housekeeping items.
11. OTHER BUSINESS:
 - A. Acceptance of South Cache Subdivision Phase I.
 - B. Appointments to the Hyrum Library Board.
 - C. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC HEARING:

TO CONSIDER INCREASING CULINARY WATER AND SEWER RATES.

Mayor Howard Mayor Howard presented a power point presentation of the financial status and requirements for both the culinary water system and the sewer system. The presentation included graphs and data explaining why a rate increase is necessary to cover operation and maintenance costs and to help with depleting financial reserves.

ACTION Councilmember James made a motion to open the public hearing to consider increasing culinary water and sewer rates at 7:50 p.m.. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

There being no public comment, Mayor Howard called for a motion to close the public hearing.

ACTION Councilmember LaBau made a motion to close the public hearing to consider increasing culinary water and sewer rates at 7:50 p.m. Councilmember Felix seconded the motion and all five councilmembers voted aye.

SCHEDULED DELEGATIONS:

DEVON BARTLETT, YOUTH COUNCIL MEMBER - TO REPORT ON THE YOUTH COUNCIL LEADERSHIP TRAINING AT USU.

Devon Bartlett thanked the City Council for giving the Youth Council Members the opportunity to attend the Youth Council Leadership Training at USU. The Conference is designed to teach the youth valuable skills in leadership, community involvement, citizenship, and government organization. The opening speaker was Muffy Davis. Muffy was a top junior skier when she was injured in a skiing accident which resulted in her being a paraplegic. Since then Muffy has learned how to mono-ski and is a member of the United States Disabled Ski Team. She spoke on not giving up on your dreams and taking charge of your life.

LACIE KNIGHT - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE FOR A HAIR SALON AT 237 SOUTH 1380 EAST.

Lacie Knight was not in attendance, but the City Council reviewed her application for a home occupation business license for a hair salon at 237 South 1380 East. Her application states that there will be only two clients at her house at any one time during a daily interval.

ACTION Councilmember James made a motion to approve a Home Occupation Business License for Lacie Knight for a hair salon at 237 South 1380 East. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 09-05 - A RESOLUTION SETTING CULINARY WATER RATES.

ACTION Councilmember Felix made a motion to approve Resolution 09-05 setting culinary water rates. Councilmember Miller seconded the motion and all five councilmembers voted aye.

RESOLUTION 09-06 - A RESOLUTION SETTING SEWER SERVICE RATES.

ACTION Councilmember LaBau made a motion to approve Resolution 09-06 setting sewer service rates. Councilmember Rasmussen seconded the motion and all five

councilmembers voted aye.

ORDINANCE 09-03 - AN ORDINANCE AMENDING TITLE 16 (SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER CLARIFY THAT DEVELOPERS ARE RESPONSIBLE FOR PLANTING STREET TREES; TO REDEFINE INSTALLATION OF UTILITIES BEFORE CONSTRUCTION OF SIDEWALKS; AND OTHER MINOR HOUSEKEEPING ITEMS.

ACTION

Councilmember LaBau made a motion to approve Ordinance 09-03 clarifying that developers are responsible for planting street trees; to redefine installation of utilities before construction of sidewalks; and other minor housekeeping items. Councilmember James seconded the motion.

Councilmember James recommended amending Councilmember LaBau's motion to include in Section 16.20.170 A. "and other means of acceptable seals" after "The application of the seal coat". Councilmember LaBau accepted Councilmember James' amendment to the motion and Councilmembers Felix, James, LaBau, Miller, and Rasmussen voted aye.

ORDINANCE 09-04 - AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO INCLUDE PROVISIONS FOR THE WAIVER OF SITE PLAN FOR BUSINESSES WITH AN EXPANSION OF 1,000 SQUARE FEET OR LESS; TO LIMIT RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY OR THE ELDERLY TO NOT MORE THAN FOUR; TO REQUIRE AN OWNER OF AN ACCESSORY APARTMENT TO SUBMIT LETTER VERIFYING ALL CONDITIONS FOR AN ACCESSORY APARTMENT HAVE BEEN AND WILL CONTINUE TO BE MET; TO ALLOW A SUBDIVISION SIGN TO BE PERMANENT; AND OTHER MINOR HOUSEKEEPING ITEMS.

Councilmember LaBau said he is concerned about the proposed wording in the sections that cover residential facilities for persons with a disability and for elderly persons that states if reasonable accommodations are proposed and then are approved. He would like reasonable accommodations to be defined. It also states that not more than four unrelated persons may reside in the facility, but later it allows up to eight individuals may be allowed if reasonable accommodations are proposed and then approved. The code should allow a maximum of either four or eight persons but the proposed wording is contradictive. He recommended sending these sections back to the Planning Commission for further consideration.

Mayor Howard said if the code defines reasonable accommodations then it limits what the Planning Commission and City Council can require or permit.

Zoning Administrator Ron Salvesen said the proposed wording for

residential facilities for persons with a disability and for elderly persons came from Cache County.

Councilmember Felix said he agrees with Councilmember LaBau the code should allow a maximum of either four or eight persons in a facility.

ACTION Councilmember James made a motion to send Ordinance 09-04 back to the Planning Commission for further review of the Sections that relate to residential facilities for persons with a disability and elderly persons. Resolution 09-05 setting culinary water rates. Councilmember LaBau seconded the motion and Councilmembers Felix, James, LaBau, Miller and Rasmussen voted aye.

OTHER BUSINESS:

ACCEPTANCE OF SOUTH CACHE SUBDIVISION PHASE I.

Mayor Howard said City Engineer Craig Neeley is recommending acceptance of the improvements in place at South Cache Subdivision. In accordance with our new policy, the sidewalks will go in as the houses are built.

APPOINTMENTS TO THE HYRUM LIBRARY BOARD.

Councilmember Felix said Sandra Garcia's and Shirleen Cooper's terms on the Hyrum Library Board have expired. He recommended appointing Lindsey Heaton and Lauree Brown to serve three year terms on the Hyrum Library Board.

ACTION Councilmember Miller made a motion to appoint Lindsey Heaton and Lauree Brown to serve three year terms on the Hyrum Library Board. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the Hyrum Library's Book and Bake Sale generated just over \$1,000.

Councilmember James said baseball registration is over and soccer will be starting next week.

Councilmember Miller said the Hyrum City Easter Egg Hunt is Saturday, April 11 at 9:00 a.m. on the City Square. The Youth Council will be helping the Lion's Club with the hunt. The Hyrum City Princess Pageant is April 17. Instead of paid entertainment on the City Square for the Star Spangled Celebration the Youth

Council wants to hold a talent show.

Mayor Howard said a special City Council Meeting is scheduled for Tuesday, April 7 at 6:30 p.m. Gary Clawson wants to request trading Hyrum Irrigation shares for Hyrum City's Highline Canal shares.

ADJOURNMENT:

**ACTION There being no further business before the City
 Council, the Council Meeting adjourned at 7:35 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: May 7, 2009
 As Written