

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 6, 2011 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:35 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, Wastewater Treatment Superintendent Kevin Maughan, Wastewater Treatment Employee Tom Broadbent, City Engineer Craig Neeley, and seventeen citizens. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Howard welcomed everyone in attendance.

**PLEDGE OF ALLEGIANCE:** City Administrator D. Brent Jensen led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Mayor Howard

**APPROVAL OF MINUTES:**

The minutes of December 2, 2010 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of December 2, 2010 as written. Councilmember Felix seconded the motion and Councilmembers Felix, James, Miller, and Rasmussen voted aye; and Councilmember LaBau abstained since he was not present at the December 2, 2010 meeting. 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 James made a motion to approve the agenda as written. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

#### AGENDA

8. SCHEDULED DELEGATIONS:

- A. Paul Krauth, Utah Division of Water Quality - To update the City on the State of Utah's new wastewater regulations.

- B. Neal Byington, Cache Valley Community Health Center - To inform the City on the Cache Valley Community Health Center's services.
  - C. Carolyn Nelson, Cache Chamber of Commerce - To discuss the Cache Chamber of Commerce.
  - D. Jodi Devries - To discuss holding a benefit dance for the Cache Humane Society at the Elite Hall.
  - E. Shana Lee Carta - To request approval of a Home Occupation Business License for massage therapy at 131 Wapiti Loop.
  - F. Jeff Covert - To request renewal of his Home Occupation Business License for automobile repair at 260 South 700 East.
  - G. Todd Pignatero, Hidden Valley Planned Unit Development - To request a one-year extension for the recording of the final plat for Hidden Valley Planned Unit Development.
  - H. Colter Leishman and Travis Poulsen - To request approval of a Concept Plan for Lindley Acres Subdivision, a three lot subdivision, located at approximately 540 West 200 North.
9. INTRODUCTION AND ADOPTION OF A RESOLUTION:
- A. Resolution 11-01 - A resolution authorizing a Councilmember to automatically succeed to the position of Mayor Pro Tempore.
10. OTHER BUSINESS:
- A. Consideration and award of bid for installation of metal power poles.
  - B. Mayor and City Council reports.
11. ADJOURNMENT

***SCHEDULED DELEGATIONS:***

**PAUL KRAUTH, UTAH DIVISION OF WATER QUALITY - TO UPDATE THE CITY ON THE STATE OF UTAH'S NEW WASTEWATER REGULATIONS.**

Paul Krauth with the State of Utah Division of Water Quality said the Division of Water Quality is concerned about the increasing phosphorus level found in surface water. Phosphorus inputs into the environment have increased since 1950. Some of them come from point sources, such as wastewater treatment plant discharges. Other phosphate sources come from non-point sources, for example, run-off and erosion following rainfall from agricultural fields, and fertilized lawns and gardens.

Hyrum City's wastewater treatment plant is one of the few plants in the State that removes phosphorus from its effluent. In 2002 the State and EPA mandated the restoration of the Spring Creek stream. Hyrum City's sewer plant effluent drains into Spring Creek and, in order for plant and fish life to be reestablished, Hyrum City was required to remove phosphorus from its effluent. Hyrum City's existing sewer plant did not have the capability or

technology necessary to treat phosphorus, so Hyrum City had to build a new sewer plant. Now the State is considering mandating all wastewater treatment facilities to remove phosphorus and nitrogen from its effluent within the next five years. This will have a large financial impact on communities throughout the State and the State is trying to determine a way to help with funding. Hyrum City is already in compliance with phosphorus levels. It will need to treat for nitrogen which will increase monthly service rates by approximately \$13 a month.

Councilmember Rasmussen said it is a financial hardship for small cities like Hyrum to comply with the EPA's requirements. He asked if there are other States that Utah could work with to encourage the EPA to be less restrictive.

Mayor Howard said EPA doesn't have to report to anyone, it has complete control. The only way to fight the EPA is to work through Congress. Congress authorizes the funds for the EPA to operate.

**NEAL BYINGTON, CACHE VALLEY COMMUNITY HEALTH CENTER - TO INFORM THE CITY ON THE CACHE VALLEY COMMUNITY HEALTH CENTER'S SERVICES.**

D.J. Ballingham said Neal Byington was unable to attend tonight's meeting and asked him to represent him. The Cache Valley Community Health Center opened an office in Hyrum in 2009. The center is designed to meet the health care needs of the uninsured and the under-insured in Cache Valley and Bear Lake. There is a sliding fee scale available based on household size, income, and ability to pay including if patient is uninsured or under-insured. There is an in-house pharmacy where prescriptions can be purchased at discounted prices for those eligible for the reduction. He wants to better inform the community about the center's services and asked if the City would be willing to put information in its newsletter or on its website.

Councilmember Miller said the convenience of having medical treatment in our community is beneficial. She was treated at the center in December and the fees were extremely reasonable.

**CAROLYN NELSON, CACHE CHAMBER OF COMMERCE - TO DISCUSS THE CACHE CHAMBER OF COMMERCE.**

Sandy Emile said Carolyn Nelson was unable to attend tonight's meeting and asked her to represent her. The Cache Chamber of Commerce is dedicated to enhancing Cache County's quality of life, economic and business vitality. There are two primary functions of the Cache Chamber of Commerce: 1) It acts as a spokes group and advocates for the business and professional community and translates into action thinking of its members; and 2) It gives specific services of a type that is most effectively rendered by a community organization both to its members and to the community as a whole. The Chamber fulfills its mission by

assisting businesses with specific needs and resources, providing cooperative community leadership, and focusing on common countywide concerns. The Chamber believes that Cache County should have a strong, diversified economy by increasing high quality employment opportunities and improving standards of living. The Chamber encourages individual and business creativity, innovation, and inventiveness. The Chamber has a business resource center that provides the coordination of education, training, business planning, mentoring, and other business resources for all stages of the business cycle. The Chamber represents 19 cities in the Valley and Hyrum City is not one of those. If Hyrum City joins the Chamber of Commerce all of the businesses with 20 employees or less in Hyrum can join the Chamber as an affiliate member and get all of the benefits.

**JODI DEVRIES - TO DISCUSS HOLDING A BENEFIT DANCE FOR THE CACHE HUMANE SOCIETY AT THE ELITE HALL.**

Jodi Devries was not in attendance, no discussion was held.

**SHANA LEE CARTA - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE FOR MASSAGE THERAPY AT 131 WAPITI LOOP.**

Shana Lee Carta requested a home occupation business license at 131 Wapiti Loop for massage therapy. She is licensed through the State of Utah as a Massage Therapist. There is a 12' x 10' room in her house that will be used as her office and massage room. She will have only one client at a time. There is room in her driveway for her clients to park and there is additional parking available in the community parking area.

**ACTION** Councilmember LaBau made a motion to approve Shana Lee Carta's request for a Home Occupation Business License for massage therapy at 131 Wapiti Loop. Councilmember James seconded the motion and all five councilmembers voted aye.

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

Mayor Howard said on January 7, 2010 the City Council approved a one year extension for Jeff Covert's home occupation business license for automobile repairs at 260 South 700 East with the following stipulations: 1. No more than four cars on his property at any one time excluding his personal vehicles; 2. No negative impact on the neighborhood; and 3. Jeff must appear annually before the City Council to request approval of his license before it can be renewed.

Mayor Howard said City staff has checked this property regularly and Jeff has been meeting the conditions of his license.

## ACTION

Councilmember Miller made a motion to renew Jeff Covert's Home Occupation Business License for automobile repair at 260 South 700 East with the following stipulations: 1. No more than four cars on his property at any one time excluding his personal vehicles; 2. No negative impact on the neighborhood; and 3. Jeff must appear annually before the City Council to request approval of his license before it can be renewed. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

TODD PIGNATERO, HIDDEN VALLEY PLANNED UNIT DEVELOPMENT VALLEY PLANNED UNIT DEVELOPMENT- TO REQUEST A ONE-YEAR EXTENSION FOR THE RECORDING OF THE FINAL PLAT FOR HIDDEN VALLEY PLANNED UNIT DEVELOPMENT.

Todd Pignatero said due to current economic conditions it is still unfeasible for him to start construction on Hidden Valley Planned Unit Development. He asked the City Council to give him a one year extension on the final plat approval for Hidden Valley. He is hoping the economy changes soon so he can begin construction.

## ACTION

Councilmember James made a motion to approve a one year extension for the recording of the final plat for Hidden Valley Planned Unit Development. Councilmember Felix seconded the motion and all five councilmembers voted aye.

COLTER LEISHMAN AND TRAVIS POULSEN - TO REQUEST APPROVAL OF A CONCEPT PLAN FOR LINDLEY ACRES SUBDIVISION, A THREE LOT SUBDIVISION, LOCATED AT APPROXIMATELY 540 WEST 200 NORTH.

Bruce Leishman said Colter Leishman was unable to attend tonight's meeting and asked him to represent him.

Zoning Administrator Ron Salvesen said on December 9, 2010 the Planning Commission recommended approval of the Concept Plan for Lindley Acres Subdivision, a three lot subdivision, located at approximately 540 West 200 North with the following conditions: 1) The developer is responsible for sewer, culinary water, irrigation water, and electrical installation; 2) The development will meet the landscape requirements including trees; 3) Building lots one and two are part of a previous subdivision and will not be included in this development; and 4) Animal rights will be considered in the Preliminary Plat process.

Mayor Howard said this area has a high water table and highly recommends houses without basements. The developers of this

subdivision need to make potential buyers aware of the high water table and the possibility of flooding if basements are built.

**ACTION** Councilmember Rasmussen made a motion to approve the Concept Plan for Lindley Acres Subdivision, a three lot subdivision, located at approximately 540 West 200 North with the following conditions: 1) The developer is responsible for installation of sewer, culinary water, irrigation, and electrical lines; 2) The development will meet landscape requirements including trees; 3) Building lots one and two are part of a previous subdivision and will not be included in this development; and 4) Animal rights will be considered in the Preliminary Plat process. Councilmember Felix seconded the motion and all five councilmembers voted aye.

***INTRODUCTION AND ADOPTION OF A RESOLUTION:***

**RESOLUTION 11-01 - A RESOLUTION AUTHORIZING A COUNCILMEMBER TO AUTOMATICALLY SUCCEED TO THE POSITION OF MAYOR PRO TEMPORE.**

**ACTION** Councilmember LaBau made a motion to approve Resolution 11-01 authorizing Councilmember Felix to automatically succeed to the position of Mayor Pro Tempore. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

***OTHER BUSINESS:***

**CONSIDERATION AND AWARD OF BID FOR INSTALLATION OF METAL POWER POLES.**

Mayor Howard said the City received two bids to install metal power poles on Hammer Road:

<b>Contractor:</b>	<b>Bid Amount:</b>
Newton Construction	\$79,455
Anderson & Wood	\$93,183

City Engineer Craig Neeley has reviewed the bids and is recommending Newton Construction be awarded the project. Newton Construction has worked for Hyrum Power before and its performance was satisfactory.

**ACTION** Councilmember James made a motion to award the installation of metal power poles on Hammer Road to Newton Construction in the amount of \$79,455. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

**ACTION** Councilmember Felix made a motion to appoint Lori Derr to serve on the Hyrum Library Board. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

Councilmember Miller said the Hyrum History Committee invited Kenneth Godfrey to attend its meeting on January 4, 2011. The Committee asked Kenneth if he would help write the new history book and if so how much would he charge. Kenneth said he would help write the book and will contact the committee at a later date with a price.

**ADJOURNMENT:**

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

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: January 20, 2011  
As Written