

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 6, 2010 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 L. Rasmussen.

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 three 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 April 15, 2010 were approved with the following amendment on Page 3, Paragraph 7 change "... the City is going to donate \$100 to every organization or church that participates in this section of the parade." to "... the City is going to reimburse up to \$100 to every church or ward that participates in this section of the parade.".

ACTION Councilmember Felix made a motion to approve the City Council minutes of April 15, 2010 with the above amendment. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was faxed and e-mailed 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 LaBau made a motion to approve the agenda as written. Councilmember James seconded the motion and all five councilmembers voted aye.

AGENDA

8. INTRODUCTION AND ADOPTION OF ORDINANCES:

- A. Ordinance 10-01 - An ordinance amending Title 16 (Subdivision Ordinance) of the Hyrum City Municipal Code by amending Section 16.16.070 to require a developer to place the security of performance bond after the final plat has been approved, but before the mylar is recorded with the Cache County Recorder; Section 16.20.030 to reduce the holding period for a developer's security of performance bond from a minimum of two years to one year; and other minor housekeeping items.
 - B. Ordinance 10-02 - An ordinance amending Title 17 (Zoning Ordinance) of the Hyrum City Municipal Code Chapters 17.48, 17.49, and 17.50 to add public structures and communication facilities as a permitted or conditional use.
 - C. Ordinance 10-03- An ordinance repealing and reenacting Title 15 the Building and Construction Ordinance of the Hyrum City Municipal Code.
9. OTHER BUSINESS:
- A. Consideration and approval of Interlocal Agreements between Hyrum City, Nibley City, and Millville City for Fire Protection Services.
 - B. Consideration and approval of bond release for Blacksmith Industrial Subdivision.
 - C. Consideration and approval of amending Hyrum City's Cemetery Policies and Regulations to include provisions for cremations.
 - D. Traffic signs.
 - E. Disproportionate fee study for rental units.
 - F. Presentation of the 2010-2011 Operating Budgets.
 - G. Mayor and City Council reports.
10. ADJOURNMENT

INTRODUCTION AND ADOPTION OF ORDINANCES:

ORDINANCE 10-01 - AN ORDINANCE AMENDING TITLE 16 (SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE BY AMENDING SECTION 16.16.070 TO REQUIRE A DEVELOPER TO PLACE THE SECURITY OF PERFORMANCE BOND AFTER THE FINAL PLAT HAS BEEN APPROVED, BUT BEFORE THE MYLAR IS RECORDED WITH THE CACHE COUNTY RECORDER; SECTION 16.20.030 TO REDUCE THE HOLDING PERIOD FOR A DEVELOPER'S SECURITY OF PERFORMANCE BOND FROM A MINIMUM OF TWO YEARS TO ONE YEAR; AND OTHER MINOR HOUSEKEEPING ITEMS.

ACTION

Councilmember Rasmussen made a motion to adopt Ordinance 10-01 amending Title 16 (Subdivision Ordinance) of the Hyrum City Municipal Code by amending Section 16.16.070 to require a developer to place the security of performance bond after the final plat has been approved, but before the mylar is recorded with the Cache County Recorder; Section 16.20.030 to reduce

the holding period for a developer's security of performance bond from a minimum of two years to one year; and other minor housekeeping items. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

ORDINANCE 10-02 - AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE CHAPTERS 17.48, 17.49, AND 17.50 TO ADD PUBLIC STRUCTURES AND COMMUNICATION FACILITIES AS A PERMITTED OR CONDITIONAL USE.

ACTION

Councilmember James made a motion to adopt Ordinance 10-02 amending Title 17 (Zoning Ordinance) of the Hyrum City Municipal Code Chapters 17.48, 17.49, and 17.50 to add public structures and communication facilities as a permitted or conditional use. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ORDINANCE 10-03- AN ORDINANCE REPEALING AND REENACTING TITLE 15 THE BUILDING AND CONSTRUCTION ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE.

ACTION

Councilmember Rasmussen made a motion to adopt Ordinance 10-03 repealing and reenacting Title 15 the Building and Construction Ordinance of the Hyrum City Municipal Code. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENTS BETWEEN HYRUM CITY, NIBLEY CITY, AND MILLVILLE CITY FOR FIRE PROTECTION SERVICES.

City Administrator D. Brent Jensen said this agreement for fire protection services is essentially the same as the previous ones. The agreement excludes the Hyrum City Fire Department from conducting commercial fire inspections and allows for the fire protection assessment fee to be set by resolution. Once the agreements are approved the resolution setting the fire protection assessment fee will be placed on the next City Council Agenda. Nibley City Administrator Larry Anhder recommended increasing the agreement time period from one year to five years rather than approving the agreement annually.

Councilmember James said he would prefer the agreement be renewed annually. Approving the agreement annually gives Hyrum City the opportunity to evaluate and determine if Hyrum City can continue to provide fire protection due to population growth, number of fire fighters, equipment resources, etc.

ACTION Councilmember James made a motion to approve the Interlocal Agreements for Fire Protection Services between Hyrum City, Nibley City, and Millville City. Councilmember Felix seconded the motion and all five councilmembers voted aye.

CONSIDERATION AND APPROVAL OF BOND RELEASE FOR BLACKSMITH INDUSTRIAL SUBDIVISION.

Mayor Howard said Celtic Bank has asked the city to waive bonding for the warranty period of Blacksmith Industrial Subdivision in order to use that money to pay outstanding obligations to the contractors. The warranty period is almost over and if there was going to be substantial failure to any of the infrastructure it should have happened before now. The City has asked Celtic Bank to provide an accounting of the money disbursed, but Celtic Bank has not done so.

ACTION Councilmember LaBau made a motion to release the bond for Blacksmith Industrial Subdivision upon the City receiving an accounting of the money disbursed from Celtic Bank and the City Attorney's approval. Councilmember James seconded the motion and all five councilmembers voted aye.

CONSIDERATION AND APPROVAL OF AMENDING HYRUM CITY'S CEMETERY POLICIES AND REGULATIONS TO INCLUDE PROVISIONS FOR CREMATIONS.

Mayor Howard said the City Council asked City Administrator D. Brent Jensen to include provisions for cremation in Hyrum City's Cemetery Policies and Regulations. The proposed amendments allow the remains of two cremations to be interred in a single grave site either by themselves or in conjunction with a conventional vaulted burial providing the cremated remains are interred above and subsequent to the vaulted burial. A vault is not required for cremation.

ACTION Councilmember James made a motion to approve the amendments to Hyrum City's Cemetery Policies and Regulations by including provisions for cremations. Councilmember Miller seconded the motion and all five councilmembers voted aye.

TRAFFIC SIGNS.

Mayor Howard said the City received an inquiry from a citizen wanting a "Slow - Children at Play" sign posted on his block. Hyrum City has posted a few of these in the past but recently the City has said no. Utah Local Governments Trust Attorney David Church claims it is up to the City to determine if it wants to

post a special sign but he doesn't recommend it. The signs give parents and kids a false sense of security and where will it end. You can't tell one neighborhood it can have a sign but another neighborhood it can't. Mayor Howard has advised City staff to inform residents asking for a special sign that the City's does not allow them.

DISPROPORTIONATE FEE STUDY FOR RENTAL UNITS.

City Administrator D. Brent Jensen said only two firms in Utah conduct disproportionate fee studies for rental units: Wikstrom Economic Consultants and Susie Becker with Lewis Young. Wikstrom gave a not-to-exceed price of \$10,000, without a request for proposal Lewis Young would not give us a firm. Lewis Young provided a similar study for Harrisville (pop. 6,000) for \$7,000 and one for St. George (pop. 72,000) for \$26,000. Hyrum City's would fall towards the lower end of that range.

ACTION

Councilmember LaBau made a motion to accept Wikstrom Economic Consultants not-to-exceed price of \$10,000 to conduct a disproportionate fee study for rental units. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

PRESENTATION OF THE 2010-2011 OPERATING BUDGETS.

Mayor Howard distributed a copy of the 2010-2011 Operating Budgets proposal.

The City Council agreed to schedule the budget workshop on May 20, 2010 at 5:30 p.m.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember James said Hyrum City's irrigation ponds are full and the City has turned the water into its pressurized irrigation system.

Councilmember Miller said the Hyrum Saddle Club is concerned about attendance at the Star Spangled Rodeo because of the benefit rodeo being held on June 5, 2010. The Saddle Club asked if the benefit rodeo could be held in July rather than June. The City Council concurred to allow the benefit rodeo to be held on June 5, 2010 since insurance had already been bought for that specific night, and that it was going to be for local cowboys not a professional rodeo. The Youth Council is going to help the American Legion place flags on the graves for Memorial Day. She is meeting with Richard D. Cannon, who is affiliated with the Ellen Eccles Theater, to play Ira Allen for the Star Spangled Patriotic Program. She asked the Imperial Glee Club, Community Choir, and Youth Group to sing at the Patriotic Program.

Mayor Howard said he is looking into the possibility of the City piping the effluent from the City's Wastewater Treatment Plant into the pressurized irrigation system. The City would save approximately \$50,000 a year in chemicals; water could be in the pressurized irrigation system as early and/or as late as needed - the City would no longer be dependent on the irrigation company to provide water by a specific date; and the City would be involved in a "Green" project.

ADJOURNMENT:

ACTION There being no further business before the City Council, the Council Meeting adjourned at 7:20 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: May 20, 2010
 As Written