

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 17, 2011 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 three citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Boy Scout Caden Mazingo led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Boy Scout Leader Matt Mazingo

APPROVAL OF MINUTES:

ACTION Councilmember James made a motion to approve the minutes of January 20, 2011 as written. 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 LaBau made a motion to approve the agenda as written. Councilmember James seconded the motion and all five councilmembers voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:

- A. Colter Leishman and Travis Poulsen - To request Preliminary Plat approval for Lindley Acres Subdivision, a two lot subdivision, located at approximately 540 West 200 North.
- B. Reed Nielsen, Church of Jesus Christ of Latter Day Saints - To request Site Plan approval for a Humanitarian Project Building at 200 East 600 South.
- C. Curtis Fielding, Rent Bold - To request site plan approval for a consignment lot at 120 North 800 East.

9. INTRODUCTION AND ADOPTION OF ORDINANCES:
 - A. Ordinance 11-01-An ordinance repealing and reenacting Chapter 15.56 Flood Damage Prevention of the Hyrum City Municipal Code.
 - B. Ordinance 11-02 - An ordinance amending Section 13.16.100 Residential Subdivision-Service-Placement of the Hyrum City Municipal Code to allow a developer to contract with the City for installation of electrical service lines.
10. OTHER BUSINESS:
 - A. Report on Hyrum City's Red Flag Program.
 - B. Rental Unit Disproportionate Impact Study.
 - C. Consideration and award of bid for the Reclaimed Water Pump Station and Distribution Project.
 - D. Budget Report.
 - E. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

COLTER LEISHMAN AND TRAVIS POULSEN - TO REQUEST PRELIMINARY PLAT APPROVAL FOR LINDLEY ACRES SUBDIVISION, A TWO LOT SUBDIVISION, LOCATED AT APPROXIMATELY 540 WEST 200 NORTH.

Zoning Administrator Ron Salvesen said on February 10, 2011 the Hyrum City Planning Commission recommended approval of the Preliminary Plat for Lindley Acres Subdivision with no conditions.

ACTION Councilmember LaBau made a motion to approve the Preliminary Plat for Lindley Acres Subdivision, a two-lot subdivision, located at approximately 540 West 200 North. Councilmember Felix seconded the motion.

Councilmember Rasmussen asked if the City had an easement or if an easement is necessary for the existing overhead power line that runs southeast from Parcel 01-032-0007 along the north property line of lot one to an existing shed.

Councilmember LaBau amended his motion to include approval of the preliminary plat is subject to the City receiving, if necessary, an easement for the existing overhead power line. Councilmember Felix accepted the amendment to the motion and all five councilmembers voted aye.

REED NIELSEN, CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS - TO REQUEST SITE PLAN APPROVAL FOR A HUMANITARIAN PROJECT BUILDING AT 200 EAST 600 SOUTH.

Zoning Administrator Ron Salvesen said on February 17, 2011 the

Planning Commission recommended approval of the site plan for a humanitarian project building with the following conditions: 1) The sewer connection for the existing restrooms be approved by the sewer department; and 2) If the humanitarian project building increases the amount of garbage in the dumpster that an additional dumpster will be provided.

Reed Nielsen said the building will be used for quilting projects, assembling of hygiene kits, and storage of materials. The exterior of the building is red siding and a gray roof. There are four doors on the building, but no windows.

ACTION **Councilmember James made a motion to approve the site plan for a humanitarian project building at 200 East 600 South. Councilmember Rasmussen seconded the motion.**

The City Council encouraged Reed to consider adding at least one window to the building to provide natural lighting, safety, and aesthetical reasons.

Reed Nielsen said the building is going to be used more to process materials and store items rather than a work area. The building is designed with shelving along three walls and sewing machines on one of the walls. The work stations are in the center of the room. He is concerned about loosing storage space if a window is installed.

Mayor Howard called for a question on the motion and all five councilmembers voted aye.

CURTIS FIELDING, RENT BOLD - TO REQUEST SITE PLAN APPROVAL FOR A CONSIGNMENT LOT AT 120 NORTH 800 EAST.

Zoning Administrator Ron Salvesen said on February 17, 2011 the Hyrum City Planning Commission recommended approval of the site plan for a consignment lot at 120 North 800 East with the following conditions: 1) All signs be approved by the Zoning Administrator; and 2) A weed management plan be submitted to Hyrum City addressing how the weeds will be kept under control at all times at this site.

Curtis Fielding submitted his weed management plan to the City Council. Above ground weed control spray will be utilized, initially in the spring when weeds begin to merge. Mechanical trimming will be utilized throughout the summer season to control weeds on a localized basis. No ground sterilizing compounds will be used to eliminate concern about potential groundwater runoff contamination. He is leasing the fenced outdoor storage area behind the Hair Station on the east side of the property at 120 North 800 East from Jeremy Jenkins. The property will be used

for storage, pick-up and drop-off of equipment for Rent Bold. Rent Bold is a consignment company that will have limited hours of operation (weekday mornings and evenings hours for pick-up and drop-off of equipment and extended hours on Saturday). The storage site will not be utilized for extensive construction, maintenance, and/or repair services.

ACTION Councilmember Miller made a motion to approve the site plan for Rent Bold at 120 North 800 East with the condition that before a sign is installed or posted it must be approved by Hyrum City's Zoning Administrator. Councilmember James seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF ORDINANCES:

ORDINANCE 11-01 - AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.56 FLOOD DAMAGE PREVENTION OF THE HYRUM CITY MUNICIPAL CODE.

Mayor Howard said the Federal Emergency Management Agency (FEMA) is requiring all cities to update its National Flood Insurance Program to help minimize flood losses. This ordinance was provided by the Utah NFIP Coordinator and it is recommended that Hyrum City replace its current code with the exact language in the proposed ordinance.

ACTION Councilmember LaBau made a motion to adopt Ordinance 11-01 repealing and reenacting Chapter 15.56 Flood Damage Prevention of the Hyrum City Municipal Code. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ORDINANCE 11-02 - AN ORDINANCE AMENDING SECTION 13.16.100 RESIDENTIAL SUBDIVISION-SERVICE-PLACEMENT OF THE HYRUM CITY MUNICIPAL CODE TO ALLOW A DEVELOPER TO CONTRACT WITH THE CITY FOR INSTALLATION OF ELECTRICAL SERVICE LINES.

Mayor Howard said Hyrum City's electric code does not include the option for our linemen to install the electrical distribution systems in subdivisions. The proposed ordinance defines the conditions under which City linemen may install such systems.

ACTION Councilmember Felix made a motion to adopt Ordinance 11-02 amending Section 13.16.100 Residential Subdivision-Service-Placement of the Hyrum City Municipal Code to allow a developer to contract with the City for installation of electrical services lines. Councilmember James seconded the motion.

Councilmember Rasmussen said he understands the reasons for allowing the City to install electrical service distribution

lines, but it is putting private contractors in competition with the City.

City Administrator D. Brent Jensen said several other cities and Rocky Mountain Power install electrical distribution lines for the developer rather than allowing a private contractor to do the work.

Mayor Howard called for a question on the motion and all five councilmembers voted aye.

OTHER BUSINESS:

REPORT ON HYRUM CITY'S RED FLAG PROGRAM.

City Treasurer Todd Perkins said Hyrum City's Red Flag Identity Theft Program requires him to present an annual report on the City's program to the governing body. This past year in an effort to prevent identity theft Hyrum City has removed the requirement for social security and driver's license numbers from all forms including utility service agreements, and business licenses. Hyrum City also reprogrammed its credit card machine to print out only the last four digits of the credit card number rather than the entire card number on receipts.

RENTAL UNIT DISPROPORTIONATE IMPACT STUDY.

Councilmember LaBau said Hyrum City received the results of its Rental Unit Disproportionate Impact Fee Study conducted by Wikstrom Economic and Planning Consultants. The study concluded that there is no significant disproportionate impact for duplex, and multi-family rental units. There is a minor disproportionate impact for single family rental units, however, it is not enough to justify imposing a disproportionate impact fee. Due to the lack of an overall disproportionate impact, the implementation of a "Good Landlord Program" is not necessary at this time.

CONSIDERATION AND AWARD OF BID FOR THE RECLAIMED WATER PUMP STATION AND DISTRIBUTION PROJECT.

Mayor Howard said on February 16, 2011 the City received nine bids for the Reclaimed Water Pump Station and Distribution Project:

<u>Bidder:</u>	<u>Base Bid:</u>	<u>Bid with Options:</u>
Counterpoint Const.	\$ 779,305.00	\$ 834,898.40
LC Quality Const.	788,405.00	826,371.01
AAA Excavation	790,762.26	847,164.46
Geneva Rock	813,686.00	841,686.00
Raymond Construction	816,983.00	855,133.00
Jacobsen Construction	908,028.58	950,756.22
Hill Construction	996,275.00	1,041,091.56

Gerber Construction	1,074,073.00	1,113,873.00
Whitaker Construction	1,089,886.00	1,133,886.00

The City Engineer's base bid estimate was \$684,000. The City has almost completed the financing process for this project, but the bond amount is based upon the City Engineer's estimate of \$684,000. If the bid is awarded for this project the City will have to come up with the additional money to pay for the project or go through the entire financing process again.

Mayor Howard recommended awarding the base bid to the lowest bidder and for the City to use reserves to pay for the additional costs rather than starting the financing process over.

ACTION Councilmember Felix made a motion to award the bid for the Reclaimed Water Pump Station & Distribution Project to Counterpoint Construction in the amount of \$779,305.00 for the base bid only. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

BUDGET REPORT.

City Administrator D. Brent Jensen said he attended a meeting yesterday regarding the new Transparency Law requiring cities and towns to post all revenues and expenditures on the State of Utah website by May 2011. To help the City meet the requirements of the law he is considering contracting with Caselle or a private consultant.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the book and bake sale at the library was held last week. The proceeds generated will go towards purchasing blinds for some of the windows in the library.

Councilmember James said Hyrum Irrigation Committee met and is working on a priority list of projects that need to be completed. City Water Superintendent and Hyrum Irrigation Vice President Corey Nielsen is looking into the cost of installing meters to ensure the City gets all of its Porcupine Reservoir water.

Councilmember Miller said the Youth Council is helping with the redesign and decorating of the City's float. The Hyrum City Royalty Pageant is March 25 at 7:00 p.m. in the Civic Center. She asked Sharla Vanderbeek and Cheryl Felsted to help Stephanie Carlson with the Community Fair Booth this year.

Mayor Howard updated the City Council on the projects and activities involving UAMPS.

ADJOURNMENT:

ACTION

There being no further business before the City Council, the Council Meeting adjourned at 7:30 p.m.

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: March 3, 2011
As Written