

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JUNE 16, 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, City Treasurer Todd Perkins, 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 W. Dean Howard

APPROVAL OF MINUTES:

ACTION Councilmember James made a motion to approve the minutes of June 2, 2011 as written. Councilmember Rasmussen 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 for June 16, 2011 as written. Councilmember James seconded the motion and all five councilmembers voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:
 - A. Reyna Perry, National Children's Study - To report on the National Children's Study in Cache County.
 - B. Jay Stocking, South Cache Subdivision - To request final plat approval for Phase II of South Cache Subdivision (12 single family building lots) located at approximately 60 South 500 West.
9. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:

- A. Resolution 11-05 - A resolution amending the 2010-2011 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets.
 - B. Resolution 11-06 - A resolution approving and adopting the Fiscal 2011-2012 Operating Budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund, Irrigation Water Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund.
 - C. Resolution 11-07 - A resolution establishing the Municipal Certified Tax Rate for 2011-2012.
 - D. Ordinance 11-04 - An ordinance amending Section 5.04.020 of the Hyrum City Municipal Code to require all landlords owning rental property in Hyrum City to obtain a Commercial Business License.
10. OTHER BUSINESS:
- A. Delinquent utility accounts.
 - B. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

REYNA PERRY, NATIONAL CHILDREN'S STUDY - TO REPORT ON THE NATIONAL CHILDREN'S STUDY IN CACHE COUNTY.

Reyna Perry was not in attendance.

ACTION Councilmember James made a motion to move this agenda item to the end of the meeting if Reyna Perry arrives at tonight's meeting. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

JAY STOCKING, SOUTH CACHE SUBDIVISION - TO REQUEST FINAL PLAT APPROVAL FOR PHASE II OF SOUTH CACHE SUBDIVISION (12 SINGLE FAMILY BUILDING LOTS) LOCATED AT APPROXIMATELY 60 SOUTH 500 WEST.

Adam Mackelprang said Jay Stocking (developer) was not able to be in attendance at tonight's meeting and asked Adam to represent him.

ACTION Councilmember James made a motion to approve the Final Plat for Phase II of South Cache Subdivision. Councilmember Felix seconded the motion.

Zoning Administrator Ron Salvesen said this area has a high level of groundwater and there are concerns about basements being installed. There are a couple of houses in Phase I that have a significant amount of water coming from basement sump pumps. The water from one house is being drained into the street and another house has a drain pipe in its backyard. City staff reviewed the final plat and recommended underground pipes be installed to the

storm water system if sump pumps are installed or to not allow basements in Phase II.

Adam Mackelprang said it should be the developer's responsibility to determine whether the ground water is too high for a basement, not the City's. The developer is the contractor and he does not want to have problems with water in basements. The developer wants to maintain his reputation so that other lots will sell.

Councilmember Rasmussen said he is concerned about the ground water level on the four lots located adjacent to the storm water retention pond and the irrigation canal.

Adam Mackelprang said the developer is aware of the ground water table and is trying to alleviate the problem. The City should not get involved in ground water issues. It should be the developer's responsibility to address the problem and then let the buyer beware.

Councilmember LaBau said he doesn't agree with the buyer beware attitude.

Councilmember Rasmussen said when the subdivision is finished and the homeowner's can't find the developer, they will come to the City to fix the drainage problems. He asked what the developer is doing differently to prevent basements from flooding.

Adam Mackelprang said every lot has to be looked at individually and then the developer addresses the situation. The developer may determine that the house has to be slab on grade or a half basement. He was not involved in Phase I, but the developer is dealing with the problems associated with high ground water.

City Administrator D. Brent Jensen said there are plastic drainage pipes going across the sidewalk. There is house with a basement floor that is like a sponge - water seeps through the foundation when you walk on it. The City does not want houses built with basements where there is a high ground water table.

Councilmember Rasmussen said he doesn't feel comfortable approving Phase II of South Cache Subdivision without the developer addressing the high ground water table, and Engineering Note #14 "Lot owners adjacent to the retention pond are responsible for the maintenance of the pond adjacent to their lot." He recommended Note #14 should also include, "Maintenance to include irrigation and mowing. Retention basin may not be filled in or otherwise adjusted in anyway such that the capacity to retain stormwater is reduced."

ACTION

Councilmember Rasmussen made a substitute motion to table the approval of the Final Plat for Phase II of South Cache Subdivision until the developer addresses

the City's concerns with ground water. Councilmember Felix seconded the motion and all five councilmembers voted aye.

RESOLUTION 11-05 - A RESOLUTION AMENDING THE 2010-2011 GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND OPERATING BUDGETS.

Mayor Howard said the public hearing to discuss the following resolutions and ordinance was held on June 2, 2011.

ACTION Councilmember Felix made a motion to approve Resolution 11-05 amending the 2010-2011 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

RESOLUTION 11-06 - A RESOLUTION APPROVING AND ADOPTING THE FISCAL 2011-2012 OPERATING BUDGETS FOR HYRUM CITY'S GENERAL FUND, CULINARY WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION WATER FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND.

ACTION Councilmember James made a motion to approve Resolution 11-06 amending the 2011-2012 Operating Budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund, Irrigation Water Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets. Councilmember Felix seconded the motion and all five councilmembers voted aye.

RESOLUTION 11-07 - A RESOLUTION ESTABLISHING THE MUNICIPAL CERTIFIED TAX RATE FOR 2011-2012.

ACTION Councilmember LaBau made a motion to approve Resolution 11-07 establishing the Municipal Certified Tax Rate for 2011-2012. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ORDINANCE 11-04 - AN ORDINANCE AMENDING SECTION 5.04.020 OF THE HYRUM CITY MUNICIPAL CODE TO REQUIRE ALL LANDLORDS OWNING RENTAL PROPERTY IN HYRUM CITY TO OBTAIN A COMMERCIAL BUSINESS LICENSE.

ACTION Councilmember LaBau made a motion to approve Ordinance 11-04 amending Section 5.04.020 of the Hyrum City Municipal Code to require all landlords owning rental property in Hyrum City to obtain a commercial business license. Councilmember Miller seconded the motion

and all five councilmembers voted aye.

OTHER BUSINESS:

DELINQUENT UTILITY ACCOUNTS.

Mayor Howard reviewed the list of delinquent utility accounts. The total proposed write-off is \$7,553.78 for the Fiscal Year 2010-2011.

ACTION Councilmember James made a motion to approve the list of Fiscal Year 2010-2011 Delinquent Utility Accounts, in the amount of \$7,553.78 as a write-off. Councilmember LaBau seconded the motion and all five Councilmembers voted aye.

OTHER BUSINESS:

Councilmember Felix said the Library Summer Reading Program closing party is July 15 at the Logan Aquatic Center. The first day of the Summer Reading Program the library checked out over 500 books in one hour.

Councilmember James said he is working on the National Night Out Against Crime.

Councilmember Miller reviewed the activities being held during the Star Spangled Celebration.

Mayor Howard said the Lions Club planted trees and shrubs at Camp Hollow, and set up a place for benches and tables. LaVon Nielsen has verbally agreed to sell Hawn's Lounge to the City.

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: July 1, 2011
As written