

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD OCTOBER 6, 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, Craig L. Rasmussen and Stephanie Miller 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 fifteen citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

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

INVOCATION: Mayor Howard

APPROVAL OF MINUTES:

ACTION Councilmember Rasmussen made a motion to approve the minutes of September 1, 2011 as written. 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 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 October 6, 2011 as written. Councilmember Miller seconded the motion and all five councilmembers voted aye.

AGENDA

- 8. REPORT:
 - A. Hyrum Justice of the Peace Court Judge Jack Stephens - To present the Hyrum Justice of the Peace Court Annual Report.
- 9. INTRODUCTION AND ADOPTION OF A RESOLUTION:
 - A. Resolution 11-08 - A resolution requesting recertification of the Hyrum Justice of the Peace Court.

10. SCHEDULED DELEGATIONS:
 - A. Garret Willmore - To request a Home Occupation Business License at 261 South 700 East for welding services.
 - B. Corey Nielsen - To request a field connection to the pressurized irrigation system.
11. OTHER BUSINESS:
 - A. Approval of 2011 Election Judges.
 - B. Mayor and City Council reports.
12. ADJOURNMENT

REPORT:**HYRUM JUSTICE OF THE PEACE COURT JUDGE JACK STEPHENS - TO PRESENT THE HYRUM JUSTICE OF THE PEACE COURT ANNUAL REPORT.**

The Hyrum Justice Court Clerk is available Monday through Friday 1:00 to 5:00 p.m. and the Justice of the Peace is available from 4:00 to 6:00 p.m. on Tuesdays. Trials and small claims are by appointment only. A court bailiff is in attendance at all times when the judge holds court. Availability of the internet allows the court access to state agencies and gives them the ability to post outstanding court warrants statewide. The internet also provides a way for the judge to do arraignments over the internet so prisoners at the county jail are no longer transported to Hyrum. This past year the court successfully completed a BCI Audit. Revenues from citations issued within Hyrum City are divided between the City and State according to the nature of the citation. Court personnel include a part time Justice of the Peace and one part time court clerk. The Justice of the Peace Court stayed within its 2010-2011 budget of \$81,700.

ACTION Councilmember James made a motion to accept the Hyrum Justice of the Peace Court Annual Report. Councilmember Felix seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF A RESOLUTION:**RESOLUTION 11-08 - A RESOLUTION REQUESTING RECERTIFICATION OF THE HYRUM JUSTICE OF THE PEACE COURT.**

ACTION Councilmember James made a motion to approve Resolution 11-08 requesting recertification of the Hyrum Justice of the Peace Court. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

SCHEDULED DELEGATIONS:**GARRET WILLMORE - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 261 SOUTH 700 EAST FOR WELDING SERVICES**

Garret Willmore said he has a shop in his backyard in which he wants to weld ornamental yard decorations in.

Councilmember James asked if all materials would be kept in the backyard.

Garret Willmore said all welding will be conducted in the shop and there will be no outside storage of materials.

Councilmember LaBau said there was a for sale sign on the property a couple of weeks ago. He asked Garret if he had purchased the house or if it was still for sale.

Garret Willmore said the house is no longer for sale and is planning on living there for a couple more years.

ACTION

Councilmember LaBau made a motion to approve Garret Willmore's request for a Home Occupation Business License at 261 South 700 East for welding services with the condition that all materials are stored in the backyard. Councilmember Felix seconded the motion and all five councilmembers voted aye.

COREY NIELSEN - TO REQUEST A FIELD CONNECTION TO THE PRESSURIZED IRRIGATION SYSTEM.

Corey Nielsen said he owns 70 acres of farm ground at approximately 6400 South Highway 165. He has been flood irrigating the fields that are watered with Hyrum Irrigation Shares that come out of the O'Berry Ditch. Rather than flood irrigating this ground he wants to sprinkle the ground, but in order to do that he needs a connection to Hyrum City's pressurized irrigation system. When the pressurized irrigation system was initially installed the City stubbed a connection adjacent to his property on 6200 South. The pipeline on 6200 South was designed and installed to serve his property, however, he did not connect to the system at that time.

Jared Clawson said on January 21, 2010 the City Council approved allowing some of the O'Berry Canal users to connect to the City's pressurized irrigation system. The City provided him a letter stating the City was willing to allow them to use the irrigation system if the City and O'Berry users came to an agreement with all parties involved. Corey was one of O'Berry Canal users that was approved on January 21. He leases 30 acres of farm ground from Cody Matthews that was also included in the approval that he is ready to irrigate with a sprinkler system.

Jared Clawson said connecting Corey's and Matthew's land will provide the City with additional water. Hyrum Irrigation shares diverted through the O'Berry Canal represent four-acre feet of water. A sprinkler system will use 1/3 of the water that flood

irrigating uses. If he switches to a sprinkler system the excess water could be used by Hyrum City.

Mayor Howard said City Engineer Craig Neeley will need to provide an estimate of added pumping costs and a proposed rate to charge the Clawsons and Nielsens.

Councilmember James said the City will have to restrict Clawsons and Nielsens from water during high use periods such as the 4th of July weekend.

Mayor Howard said the City will need to have a written agreement with Clawsons and Nielsen addressing fees, usage, and restricting specific dates before a connection to the pressurized irrigation system is allowed. The agreement could be reviewed after the first year to review meter data, reevaluate costs, and usage.

ACTION

Councilmember LaBau made a motion to made to approve a pressurized irrigation connection for Corey Nielsen's (70 acres) and Cody Matthew's (30 acres leased by Clawson Family) farm ground located at approximately 6200 South Highway 165 upon the condition that an agreement is in place addressing costs, usage, etc. Councilmember James seconded the motion.

Councilmember Rasmussen recommended amending the motion before an agreement is in place that the minutes of the January 21, 2010 meeting be reviewed and any conditions made at that time be included in the agreement. Councilmember LaBau and James accepted Councilmember Rasmussen's amendment and all five councilmembers voted aye.

OTHER BUSINESS:**APPROVAL OF 2011 ELECTION JUDGES.**

City Recorder Stephanie Fricke provided a list of proposed Election and Counting Judges for the General Municipal Election.

ACTION

Councilmember Felix made a motion to approve the Election and Counting Judges for the 2011 General Municipal Election. Councilmember James seconded the motion and all five councilmembers voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember LaBau said the Mosquito Abatement District Office is temporarily relocating to the old Window Welder building in Hyrum. It is still looking for a feasible building that is in a central location.

Councilmember James said the Hyrum Irrigation Company met and annual assessments are going to be increased four dollars a share.

Councilmember Miller said the City is accepting Youth Council applications until October 23.

ADJOURNMENT:

**ACTION There being no further business before the City
 Council, the Council Meeting adjourned at 7:00 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: November 3, 2011
 As written