

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JULY 5, 2007 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, Stephanie Miller, Craig L. Rasmussen, and Douglas L. Stipes 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 eighteen citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance and invited audience participation.

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

INVOCATION: Councilmember Rasmussen

MINUTES: The minutes of May 24, 2007 were amended as follows: 1) Page 3, paragraph 5, sentence 1, change "In 2006 Hyrum City purchased water rights from the Cache Valley Ranch Association to allow developers to reimburse the City bought the and reimburse us for the cost and credit it towards their water rights." to "In 2006 Hyrum City purchased water rights from the Cache Valley Ranch Association to allow developers to purchase water from the City to credit towards their water rights."; and 2) Page 3, paragraph 5, sentence 4, change "Upon approval by the City council the landowner annexing the property can reimburse the City the cost of the water to provide his property with the required amount of water." to "Upon approval by the City Council the landowner annexing the property can purchase water available from the City, at the fees adopted by the City Council, to provide his property with the required amount of water."

ACTION Councilmember James made a motion to approve the minutes of May 24, 2007 with the above amendments. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

The minutes of May 31, 2007 were amended on Page 1, paragraph 7, after "Welcome:" change "Mayor Howard" to "Mayor Pro Tempore Stipes".

ACTION Councilmember Rasmussen made a motion to approve the

minutes of May 31, 2007 with the above amendments. Councilmember Miller seconded the motion and all five councilmembers voted aye.

The minutes of June 7, 2007 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of June 7, 2007 as written. Councilmember Stipes 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 Stipes made a motion to approve the agenda as written. Councilmember James seconded the motion and all five councilmembers voted aye.

AGENDA

8. PUBLIC HEARING:
 - A. To receive public comment in response to a petition filed by Leon Savage and Craig Poppleton proposing the annexation of 104.35 acres of real property, located at approximately 100 North to 150 South between 600 West and 850 West.
9. SCHEDULED DELEGATIONS:
 - A. Todd Beutler, Cache Valley Transit District - To request approval of a resolution allowing the citizens of Hyrum to vote on a sales tax increase for public transportation.
 - B. Jim Shaver - To discuss Hyrum City's waterline extension policy.
 - C. Todd Pignataro, Hidden Valley Planned Unit Development - To request concept plan approval for Hidden Valley Planned Unit Development consisting of 102 lots and located at approximately 675 West 100 North.
10. INTRODUCTION AND ADOPTION OF A RESOLUTION:
 - A. Resolution 07-14 - A resolution approving a ballot measure allowing the citizens of Hyrum to vote on whether an increase in sales tax is needed to expand public transportation. *First Reading*
 - B. Resolution 07-16 - A resolution adding a temporary surcharge to all billings for irrigation service. *First Reading*
11. OTHER BUSINESS:
 - A. Award of bid for 300 North curb & gutter.
 - B. Notice of certification of annexation petition for the West Hyrum Annexation.
 - C. Mayor and City Council reports.

12. ADJOURNMENT

PUBLIC HEARING:**TO RECEIVE PUBLIC COMMENT IN RESPONSE TO A PETITION FILED BY LEON SAVAGE AND CRAIG POPPLETON PROPOSING THE ANNEXATION OF 104.35 ACRES OF REAL PROPERTY, LOCATED AT APPROXIMATELY 100 NORTH TO 150 SOUTH BETWEEN 600 WEST AND 850 WEST.**

Mayor Howard opened the public hearing at 7:12 p.m. to receive comments regarding the annexation of 104.35 acres of real property owned by Leon Savage and Craig Poppleton.

After no public comment, Mayor Howard closed this portion of the public hearing at 7:13 p.m.

ACTION Councilmember Stipes made a motion to close the public hearing at 7:13 p.m. Councilmember Felix seconded the motion and all five councilmembers voted aye.

SCHEDULED DELEGATIONS:**TODD BEUTLER, CACHE VALLEY TRANSIT DISTRICT - TO REQUEST APPROVAL OF A RESOLUTION ALLOWING THE CITIZENS OF HYRUM TO VOTE ON A SALES TAX INCREASE FOR PUBLIC TRANSPORTATION.**

Curtis Roberts, Cache Valley Transit Finance Director, said Todd Beutler was unable to attend tonight's City Council Meeting and asked him to attend. The Cache Valley Transit District is asking each City Council in Cache Valley to approve a Resolution allowing the citizens of its community to vote on a sales tax increase for public transportation. The Transit District conducted a study on the services it currently provides. A random sample of 271 citizens in Cache County were called and asked several questions regarding transit service. Over 25% of the respondents surveyed said the transit district was not providing for his/her needs. Respondents wanted service later in the evening, additional service on Saturday, and more frequent service with less stops. If the Transit District met these conditions 80% of the respondents said they would ride the bus more often. When asked about an increase in sales tax to provide additional service 68% of the respondents said they would vote for a .25% sales and use tax increase to pay for the additional services. The transit system helps with traffic congestion, air quality, and provides 1.8 million rides annually fare free. The majority of the bus routes start at 6:15 a.m. and end at 9:45 p.m. Monday through Saturday.

Councilmember Rasmussen said the Transit District is currently funded by a local .25% sales and use tax, which generates three million dollars annually. If the proposed increase is approved it will double the tax revenue generated. He is not sure if

additional hours or stops will increase the number of riders. He questioned whether additional tax revenue should be spent on providing bus service when there are a minimal number of riders on each bus.

Councilmember James said the City Council is not approving a tax, it is just approving a resolution to allow the citizens to vote on a tax increase for transit services.

JIM SHAVER - TO DISCUSS HYRUM CITY'S WATERLINE EXTENSION POLICY.

Jim Shaver said he has lived in Hyrum for forty five years and has decided to sell his house and move to Montana. Over the past several years he has purchased several parcels of property adjacent to his house and now he wants to sell them as building lots. However, when he inquired about the property he owns on 100 North between 400 and 500 West he was surprised to find out that there is not a water line in front of the property. The estimated cost to extend the line is \$20,000 and Hyrum City's ordinance requires the person extending the line to pay the entire cost with no reimbursement clause for future connections. He does not agree with the City that he should have to pay to extend the water line when his property is in the original part of Hyrum. It is not fair that he has to pay to extend a water line when a property owner 50 yards away doesn't have to pay anything because the line is already in front of his property. The City Council should be fair and provide him with the same equity in his property as any other resident in Hyrum. He is asking the City Council for financial relief of the cost of extending the water line.

Councilmember Miller said she understands Jim's frustration, but the City is not in a financial position where it can pay for utility line extensions. Jim is not the only property owner in the center of Hyrum that has had to bear the cost of extending a utility line. There is a property owner at 300 North 550 West that is building a new house. There is not a waterline in front of the property and Hyrum City is requiring that property owner to pay for the water line extension.

Jim Shaver said he pays his property taxes and should be entitled to the same utility services as everyone else in Hyrum. His property is worth \$20,000 less because there is no water line. If he was a developer he could just pay for the line extension and add the cost into a house. He is not building a house and just wants to sell the raw ground as a building lot with City utilities.

Councilmember Rasmussen said waterlines are installed when there is a need, usually that need comes from development of ground. Waterlines were and still are being gradually installed throughout the City as development takes place. Hyrum City's ordinance requires someone developing a parcel of ground to pay

for the extension of the sewer and water lines without reimbursement. He considers Jim a developer, since Jim is selling a parcel of ground as a building lot.

Jim Shaver said he is being treated unfairly. He wants the City Council to bear the cost of the water line extension so that his property has the same equity as other property owners in Hyrum.

Councilmember Stipes said several years ago Hyrum City had a reimbursement schedule for utility line extensions. It was an accounting nightmare for City staff to keep track of the reimbursements. The City Council decided to amend the ordinance to eliminate reimbursements to a person extending the utility line. Hyrum City is not responsible to increase property values for individuals and that is what it would be doing if it paid for Jim's utility line extension. Development should have to pay its own way and should not be a burden on the citizens of Hyrum.

TODD PIGNATARO, HIDDEN VALLEY PLANNED UNIT DEVELOPMENT - TO REQUEST CONCEPT PLAN APPROVAL FOR HIDDEN VALLEY PLANNED UNIT DEVELOPMENT CONSISTING OF 102 LOTS AND LOCATED AT APPROXIMATELY 675 WEST 100 NORTH.

Todd Pignataro said he has a contract that is contingent upon annexation to purchase Leon Savage's ground at 675 West 100 North. For the past several years he has worked on designing a development that is unique with open space, walking trails, and a community center. He is excited to have finally found the property that compliments his ideas for a development. Hidden Valley is a private development located along the Little Bear River. There is 62 acres of property with over 14 acres of open space. It is designed to compliment and preserve the rural atmosphere within the natural surroundings with only 102 home sites. It is a traditional neighborhood with narrow tree lined streets, fronted by custom residential homes backed by open spaces. Open spaces include a natural river way, riparian habitats, wetlands, and improved green spaces, providing the framework to build a strong local identity. The Community Center is a 3,488 square foot facility located in the central part of the development. It will include a fitness center, meeting rooms, and a covered patio for the residents of Hidden Valley to use. There will be several house plans to choose from for those lots located around the Community Center. He wants cohesive designs rather than having every lot planned out with a certain house plan. All house plans have a front porch with a garage offset in the backyard. All yards have to be landscaped prior to occupancy. Financing to build a house has to be in place before a lot is purchased.

There will be a strong Homeowners Association funded by monthly dues and 1% of the total cost of the home will be paid to the Homeowners Association when the house is built or sold. The proposed monthly due is \$35 and that is to keep up the green

space, community center, and day to day operations of the Planned Unit Development. The 1% fee is to pay for major improvements, and unexpected repairs. There will be restrictive covenants and design guidelines that will be enforced by the Homeowners Association. He has researched several Homeowners Associations and has combined several models to come up with one that addresses all of his concerns.

Zoning Administrator Ron Salvesen said Todd Pignataro is the most organized developer he has dealt with. Hidden Valley is designed around the contour of the land and is a unique housing plan that will be an asset to Hyrum. The Planning Commission on June 14, 2007 recommended approval of the concept plan for Hidden Valley with the following conditions: 1) All staff requirements must be met; and 2) Written procedures and governing rules to enable Hidden Valley from becoming a gated community.

ACTION **Councilmember Stipes made a motion to approve the concept plan for Hidden Valley Planned Unit Development. Councilmember Felix seconded the motion.**

Councilmember Rasmussen complemented Todd Pignataro on the detail and completeness of the concept plan for Hidden Valley. However, the property has not been annexed into Hyrum City and the revisions to Title 17 have not been adopted by the City Council.

Todd Pignataro said Hidden Valley was designed to be in compliance with the proposed revisions to Title 17. If the City Council amends the proposed changes to Title 17, he will revise his drawings to comply with the ordinance the City Council adopts.

Mayor Howard called for a vote on the motion. Councilmember Felix, James, Miller, and Stipes voted aye and Councilmember Rasmussen abstained. The motion passed.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 07-14 - A RESOLUTION APPROVING A BALLOT MEASURE ALLOWING THE CITIZENS OF HYRUM TO VOTE ON WHETHER AN INCREASE IN SALES TAX IS NEEDED TO EXPAND PUBLIC TRANSPORTATION. FIRST READING

ACTION **Councilmember Stipes made a motion to waive the first reading rule for Resolution 07-14. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.**

Councilmember Rasmussen said if the City Council approves this Resolution the citizens of Hyrum may think that this is in their

best interest and vote for it without investigating the issue. He asked if any groups were sending out information opposing the tax increase, so that the citizens have the opportunity to fully understand both sides of the issue before voting.

ACTION

Councilmember Stipes made a motion to approve Resolution 07-14 approving a ballot measure allowing the citizens of Hyrum to vote on whether an increase in sales tax is needed to expand public transportation with the following amendment in paragraph 8 after "by the Hyrum City Council, that this Council" delete "hereby formally approves of and". Councilmember James seconded the motion and Councilmembers Felix, James, Miller, and Stipes voted aye and Councilmember Rasmussen voted nay. The motion passed.

RESOLUTION 07-16 - A RESOLUTION ADDING A TEMPORARY SURCHARGE TO ALL BILLINGS FOR IRRIGATION SERVICE. FIRST READING

Mayor Howard said rather than imposing water restrictions and dealing with the problems water restrictions create, he is recommending a rate increase to cover the cost of electricity to pump the water from the wells to supplement our irrigation flow. It costs approximately \$2,000 to start Well #2 and \$200 worth of electricity per day to run the motor. Based on our best estimates, power to pump water from the wells this summer could run as high as \$12,000. Resolution 07-16 was originally drafted to impose a surcharge for pressurized irrigation use on the utility bills for three months (July, August, and September), however, he asked City Administrator D. Brent Jensen to revise Resolution 07-16 to impose a permanent rate increase of 20% rather than a surcharge. The current monthly user rate for a one-half acre lot is \$10.10 per month it will be \$12.12 per month if the proposed increase is approved.

Councilmember James said he would prefer a resolution that imposes a surcharge to all residents if the City has to pump water from the well that month. The citizens should be given the opportunity to conserve water so that pressurized irrigation rates do not have to be raised.

Councilmember Stipes recommended City staff draft a resolution imposing a surcharge on pressurized irrigation if the pump has to be turned on that month, and, another resolution, if needed, to increase the monthly rate to provide funds for infrastructure needs and upgrades to the distribution system.

RESOLUTION 07-11 - A RESOLUTION AMENDING THE 2006-2007 GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND OPERATING BUDGETS. FIRST READING

ACTION Councilmember Stipes made a motion to waive the first reading rule for Ordinance 07-08 and Resolution 07-15. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ACTION Councilmember Stipes made a motion to approve Ordinance 07-08 amending Section 13.16.260 of Title 13 of the Hyrum City Municipal Code to require a utility security deposit for customers owning residential dwellings; and Resolution 07-15 setting the utility security deposit for customers renting or purchasing residential dwellings. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

AWARD OF BID FOR 300 NORTH CURB & GUTTER.

Mayor Howard said Hyrum City is working with UDOT to widen the pavement and install curb and gutter on the north side of 300 North from 600 West to 762 West. UDOT has agreed to pave the road, shoot the grades, and provide elevations if Hyrum City installs the curb and gutter. Hyrum City received two bids for the installation of the curb and gutter:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Bailey Construction	\$14.25 per linear foot
Terry Bingham Construction	\$13.95 per linear foot

City Engineer Craig Neeley reviewed the bids and is recommending approval of Terry Bingham Construction's bid of \$13.95 per linear foot for curb and gutter on 300 North. Terry Bingham Construction has completed several curb and gutter projects for Hyrum City.

ACTION Councilmember James made a motion to award the 300 North Curb and Gutter project to Terry Bingham Construction for \$13.95 per linear foot. Councilmember Miller seconded the motion and all five councilmembers voted aye.

NOTICE OF CERTIFICATION OF ANNEXATION PETITION FOR THE WEST HYRUM ANNEXATION.

City Recorder Stephanie Fricke said she and City Attorney Scott Wyatt reviewed the West Hyrum annexation petition and have determined it meets all of the requirements listed in Section 10-2-403 of the Utah State Code.

A copy of the Notice of Certification was given to each member of the City Council. A copy of the certification will be mailed to Steve Baugh, Cache County Council, and Cache County School District.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix thanked Councilmember Miller for making the July 4th Star Spangled Celebration a success.

Councilmember James said the National Night Out Against Crime is on Tuesday, August 7 on the City Square. The Jaguar and Cobra Concert is on July 28 at the Elite Hall and all proceeds will be donated towards the preservation of the building.

Councilmember Miller said she appreciated everyone that helped with the July 4th Celebration. It was a great celebration with minimal problems. Everyone seemed to enjoy the watermelon and next year she will have a banner on the City Council's parade vehicle advertising the free watermelon.

ADJOURNMENT:

ACTION **There being no further business before the Council, the Council Meeting adjourned at 8:10 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: August 2, 2007 _____
 As written