

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JUNE 5, 2008 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 p.m.

**CONDUCTING:** Mayor W. Dean Howard

**ROLL CALL:** Councilmembers Paul C. James, Thomas C. LaBau, Stephanie Miller, and Craig L. Rasmussen present.

**EXCUSED:** Councilmember Martin L. Felix

**CALL TO ORDER:** There being four members present and four members representing a quorum, Mayor Howard called the meeting to order.

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, Library Director Virginia Tremayne, and seven citizens. City Recorder Stephanie Fricke recorded the minutes

**WELCOME:** Mayor Howard welcomed everyone in attendance.

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

**INVOCATION:** City Administrator D. Brent Jensen

**APPROVAL OF MINUTES:**

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of a special meeting held on May 15, 2008 as written. Councilmember James seconded the motion and Councilmembers James, Miller, and Rasmussen voted aye and Councilmember LaBau abstained. The motion passed.

**ACTION** Councilmember James made a motion to approve the minutes of a regular meeting held on May 15, 2008 as written. Councilmember Rasmussen seconded the motion and Councilmembers James, Miller, and Rasmussen voted aye and Councilmember LaBau abstained. The motion passed.

**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.

Mayor Howard suggested deleting "Item 8.A. Lisa Sparks - To request a Home Occupation Business License at 164 South Center for a daycare preschool." from the agenda.

**ACTION** Councilmember James made a motion to approve the agenda as amended. Councilmember Miller seconded the motion

**and all four councilmembers present voted aye.**

## AGENDA

8. SCHEDULED DELEGATIONS:
  - A. ~~Lisa Sparks - To request a Home Occupation Business License at 164 South Center for a daycare preschool.~~
  - B. Jay Monson, Cache Library Committee - To discuss a countywide library system.
  - C. Ron Hales, Elk Mountain P.U.D. - To discuss amending the Elk Mountain P.U.D. to allow twin homes for a retirement community.
9. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
  - A. Resolution 08-20 - A resolution amending the culinary water utility connection fee.
  - B. Resolution 08-21 - A resolution amending and readopting Hyrum City's General Plan to remove all references to Hyrum City's Motto; replace land use categories with new zoning districts; to allow zoning for mixed use development near highways in planning areas 2, 3, and 4; replace the land use map with the annexation Declaration Map; to include the moderate income housing plan as an exhibit; and other numerous miscellaneous housekeeping items.
  - C. Resolution 08-22 - A resolution setting the Administrative Appeals Hearing filing fee.
  - D. Ordinance 08-14 - An ordinance amending Sections 17.38.010, 17.80.040, and 17.80.050 of Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to eliminate light manufacturing as a conditional use in the Residential Agriculture Zone (RA); and to allow businesses and buildings used for light manufacturing to expand and remain in the Residential Agriculture Zone (RA).
  - E. Ordinance 08-15 - An ordinance amending Sections 16.16.140, and 16.20.020 of Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to reduce the warranty period on all public improvements installed in a subdivision from 24 months to 12 months; and to require a subdivider to provide the City with a 12 month written guarantee on the public improvements before the final plat is recorded.
10. OTHER BUSINESS:
  - A. Consideration and approval of an Interlocal Agreement with Cache County for Law Enforcement Services.
  - B. Delinquent utility accounts.
  - C. Budget report.
  - D. Mayor and City Council reports.
11. ADJOURNMENT

**SCHEDULED DELEGATIONS:**

**JAY MONSON, CACHE LIBRARY COMMITTEE - TO DISCUSS A COUNTYWIDE LIBRARY SYSTEM.**

Jay Monson with the Cache Library Committee said the County is considering establishing a Countywide Library System. The law does not require voter approval, but the County Council may ask for "voter opinion" in an election. State code allows a Countywide Library Tax levy not to exceed 0.0001% of taxable value of property to fund countywide library systems. However, the County cannot impose a tax levy upon a city with a dedicated library tax without approval from that city. North Logan and Logan already have a dedicated library tax. Based upon total operating costs for all existing Cache libraries for 2008-2009, \$2,700,000 would be needed, which would require a tax rate of .000658. This rate would result in a \$65 annual tax on an \$180,000 home. Consolidating local library systems into a countywide system should significantly reduce overall costs in the long term. All citizens of the county would have complete access to every library. An online catalog would allow citizens to search for library materials from their homes. Citizens could order a book to be picked up at the library nearest their home and then could return it to that same location or to another branch location. Movement of library materials between libraries would be achieved by a courier service. Cities with building debts retain ownership of building until debt is retired. Once a city has a debt free building it can retain ownership of the building or donate it to the Countywide Library System. A city decided to keep ownership of a building pays maintenance costs and will have a shared expense agreement with the County library system. The County pays all maintenance costs for county owned library buildings

Councilmember Miller said a Countywide Library System will cost the citizens of Hyrum more money than what they are paying now for library service.

Cache County Councilmember Craig Petersen said having citizens pay a dedicated library tax will allow Hyrum City to use the money it was paying for the library somewhere else.

Councilmember Rasmussen said if a community didn't have a library he can see why they want a Countywide Library System, since they would have access to a library that another city paid for. The residents of Hyrum City have and continue to donate money towards the new library and it does not seem fair to take that away from them and give it to everybody else.

Cache County Councilmember Craig Petersen said a Countywide Library System would give the residents of Hyrum the opportunity to use any library in the County. Having all of the libraries under one system gives residents access to a larger collection.

Library Director Virginia Tremayne said the Hyrum Library meets the needs of its citizens and she does not see the benefits of a Countywide Library System to the patrons of the Hyrum Library. The Hyrum Library already has interlibrary loan agreements with

other libraries and she can order in books from all over the State.

Jay Monson said the Cache County Council will have the final vote as to whether it will start a Countywide Library System. If the City Council has any concerns or additional questions it can contact him or a member of the County Council.

**RON HALES, ELK MOUNTAIN P.U.D. - TO DISCUSS AMENDING THE ELK MOUNTAIN P.U.D. TO ALLOW TWIN HOMES FOR A RETIREMENT COMMUNITY.**

Ron Hales with Elk Mountain P.U.D. said Hyrum City has approved the final plat for Phases I-A (50 townhouses) and I-B (25 single family dwellings). Construction has started on Phase I-A and he has already sold two of the first four townhouses. The original plan for Phase I-B included single family lots, but he has received numerous calls from people interested in a retirement community with twin homes. He asked the City Council if it would consider allowing him to amend the final plat for Phase I-B to change the 25 single family lots to 25 twin home lots for a total of 50 units.

Mayor Howard said he knows of several people who wouldn't have moved out of Hyrum if Hyrum had a retirement community for them to live in. There have been a lot of great people move out of Hyrum because they could no longer or didn't want to take care of a larger lot and/or house.

City Administrator D. Brent Jensen asked Ron Hales what type of restrictions would be placed on the area to ensure it was a retirement community.

Ron Hales said he wasn't going to place any age restriction because he didn't want to exclude someone that wanted to purchase a twin house.

**AMENDED**  
**06-19-08** Councilmember LaBau said he would not be in favor of allowing additional density in Phase I-B if there were not restrictive covenants in place excluding people under the age of 55. People wanting to move into a retirement community do not want to hear or deal with the issues of younger children and families.

Mayor Howard said if he were to move into a retirement community he would not choose one where there was a possibility of a family moving in next to him or across the street. If Elk Mountain wants to have a retirement community with twin houses then there needs to be restrictive covenants in place and the area should be large enough to keep children away from the retirement area. He suggested including Phase 2-A in the retirement community to give it more privacy from families with children.

Zoning Administrator Ron Salvesen said in order for Ron Hales to move forward with a retirement community in Elk Mountain, he will have to start over at the Preliminary Phase for Phase I-B.

**INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:****RESOLUTION 08-20 - A RESOLUTION AMENDING THE CULINARY WATER UTILITY CONNECTION FEE.**

Mayor Howard said the current culinary water connection fee does not cover the increased cost of the radio read meters, copper pipe, asphalt, and fuel. The proposed resolution will increase the culinary water utility connection fee from \$700 to \$1,208 where no road cut or underboring is required; from \$950 to \$1,508 for those connections required a road cut or underbore; and from \$145.52 to \$267 for connections in subdivisions where the City only installs a water meter..

**ACTION** Councilmember Rasmussen made a motion to approve Resolution 08-20 amending Culinary Water Rate Connection Fees. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

**RESOLUTION 08-21 - A RESOLUTION AMENDING AND READOPTING HYRUM CITY'S GENERAL PLAN TO REMOVE ALL REFERENCES TO HYRUM CITY'S MOTTO; REPLACE LAND USE CATEGORIES WITH NEW ZONING DISTRICTS; TO ALLOW ZONING FOR MIXED USE DEVELOPMENT NEAR HIGHWAYS IN PLANNING AREAS 2, 3, AND 4; REPLACE THE LAND USE MAP WITH THE ANNEXATION DECLARATION MAP; TO INCLUDE THE MODERATE INCOME HOUSING PLAN AS AN EXHIBIT; AND OTHER NUMEROUS MISCELLANEOUS HOUSEKEEPING ITEMS.**

Mayor Howard said the Planning Commission is recommending approval of the proposed changes included in Resolution 08-21 to Hyrum City's General Plan. Several minor changes have been proposed, such as, replacing the land use categories with new zoning districts, mixed use developments near highways, and the correction of numbering, spelling and punctuation errors throughout the General Plan.

**ACTION** Councilmember James made a motion to approve Resolution 08-21 amending and readopting Hyrum City's General Plan to remove all references to Hyrum City's Motto; replace land use categories with new zoning districts; to allow zoning for mixed use development near highways in planning areas 2, 3, and 4; replace the land use map with the annexation Declaration Map; to include the moderate income housing plan as an exhibit; and other numerous miscellaneous housekeeping items. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

**RESOLUTION 08-22 - A RESOLUTION SETTING THE ADMINISTRATIVE APPEALS HEARING FILING FEE.**

Mayor Howard said Section 17.16.004 of the Hyrum City Municipal Code requires the Administrative Appeals Hearing filing fee to be set by resolution. The Hyrum City Council appointed Attorney

Brian G. Cannell at Hillyard, Anderson & Olsen, P.C. to serve as Hyrum City's Administrative Appeals Officer. Resolution 08-22 sets the Administrative Appeals Hearing Filing Fee at the same amount Attorney Brian Cannell charges the City: \$150.00 for a maximum of three hours worth of time and an additional \$25 per hour charged on matters requiring more than three hours.

AMENDED  
06-19-08

**ACTION** Councilmember James made a motion to approve Resolution 08-22 setting the Administrative Appeals Hearing filing fee. Councilmember Miller seconded the motion and all four councilmembers present voted aye.

**ORDINANCE 08-14 - AN ORDINANCE AMENDING SECTIONS 17.38.010, 17.80.040, AND 17.80.050 OF TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO ELIMINATE LIGHT MANUFACTURING AS A CONDITIONAL USE IN THE RESIDENTIAL AGRICULTURE ZONE (RA); AND TO ALLOW BUSINESSES AND BUILDINGS USED FOR LIGHT MANUFACTURING TO EXPAND AND REMAIN IN THE RESIDENTIAL AGRICULTURE ZONE (RA).**

Mayor Howard said this ordinance eliminates light manufacturing from the Residential Agriculture Zone. On May 8, 2008 the Planning Commission recommended approval of the proposed changes included in Ordinance 08-14.

**ACTION** Councilmember James made a motion to adopt Ordinance 08-14 amending Sections 17.38.010, 17.80.040, and 17.80.050 of Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to eliminate light manufacturing as a conditional use in the Residential Agriculture Zone (RA); and to allow businesses and buildings used for light manufacturing to expand and remain in the Residential Agriculture Zone (RA). Councilmember Miller seconded the motion.

Councilmember Rasmussen said the proposed ordinance will protect an existing business in the agriculture zone by allowing not only continued use but also expansion in accordance "with existing site plan requirement." He is concerned about a grandfathered building being sold and a higher impact business moving into that building.

AMENDED  
06-19-08

**ACTION** Councilmember James made a motion to withdraw his motion and have City Staff rewrite Ordinance 08-14 so that a grandfathered building does not get reoccupied by a manufacturing business with a higher impact on the area. Councilmember Miller accepted Councilmember James' motion to withdraw his original motion.

City Administrator D. Brent Jensen said the ordinance states that any subsequent use of the buildings, structure, or land must conform to the regulations for the zoning district in which the buildings is located. Businesses and buildings are granted approval for Light Manufacturing use the Residential Agriculture Zone (RA) before April 1, 2008 may continue to be used for Light

AMENDED  
06-19-08

Manufacturing. A non-conforming use may not be enlarged, or expanded to occupy all or a part of another structure or site that did not occupy on the date on which the use became non-conforming.

**ACTION** Councilmember James made a motion to adopt Ordinance 08-14 amending Sections 17.38.010, 17.80.040, and 17.80.050 of Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to eliminate light manufacturing as a conditional use in the Residential Agriculture Zone (RA); and to allow businesses and buildings used for light manufacturing to expand and remain in the Residential Agriculture Zone (RA). Councilmember Miller seconded the motion and all four councilmembers voted aye.

**ACTION** Councilmember Rasmussen made a motion amend and readopt Ordinance 08-14 amending Sections 17.38.010, 17.80.040, and 17.80.050 of Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to eliminate light manufacturing as a conditional use in the Residential Agriculture Zone (RA); and to allow businesses and buildings used for light manufacturing to expand and remain in the Residential Agriculture Zone (RA) with the following amendment on Page 3 change "...may be expanded within their existing parcel of property, but must meet existing site plan requirements." to "...may be expanded within their existing parcel of property, but must meet site plan requirements in current City Code at the time of expansion.". Councilmember James seconded the motion and all four councilmembers voted aye.

ORDINANCE 08-15 - AN ORDINANCE AMENDING SECTIONS 16.16.140, AND 16.20.020 OF TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO REDUCE THE WARRANTY PERIOD ON ALL PUBLIC IMPROVEMENTS INSTALLED IN A SUBDIVISION FROM 24 MONTHS TO 12 MONTHS; AND TO REQUIRE A SUBDIVIDER TO PROVIDE THE CITY WITH A 12 MONTH WRITTEN GUARANTEE ON THE PUBLIC IMPROVEMENTS BEFORE THE FINAL PLAT IS RECORDED.

Mayor Howard said in accordance with new state law, Ordinance 08-15 reduces the subdivision warranty period from 24 to 12 months. The law provides for extended warranty under certain circumstances.

**ACTION** Councilmember Rasmussen made a motion to adopt Ordinance 08-15 amending Sections 16.16.140, and 16.20.020 of Title 16 (the Subdivision Ordinance) of the Hyrum City Municipal Code to reduce the warranty period on all public improvements installed in a subdivision from 24 months to 12 months; and to require a subdivider to provide the City with a 12 month written guarantee on the public improvements before the final plat is recorded. Councilmember James seconded the

**motion and all four councilmembers present voted aye.**

Councilmember Rasmussen said an ordinance needs to be written to require a developer to extend the bond an additional 12 months from the date the sidewalk was installed, if the City Council granted permission for sidewalks to be installed after houses were built.

**CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT WITH CACHE COUNTY FOR LAW ENFORCEMENT SERVICES.**

Mayor Howard said Sheriff Nelson submitted the 2008-09 law enforcement contract for renewal at a higher hourly rate: \$46 per hour as opposed to the present \$41.

**ACTION Councilmember James made a motion to approve the Interlocal Agreement with Cache County for Law Enforcement Services for the Fiscal Year 2008-2009. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.**

**DELINQUENT UTILITY ACCOUNTS.**

Mayor Howard said City Staff has prepared its annual list of utility account write-offs. Even though these accounts will be taken off of current books, City Staff will continue to watch for them and they have occasionally been able to collect on accounts that have been written off in previous years. He then reviewed the list of delinquent utility accounts. The total proposed write-off is \$10,233.21 for the Fiscal Year 2007-2008.

**ACTION Councilmember LaBau made a motion to approve the list of Fiscal Year 2007-2008 Delinquent Utility Accounts, in the amount of \$10,233.21 as a write-off. Councilmember James seconded the motion and all four Councilmembers present voted aye.**

**BUDGET REPORT.**

City Administrator D. Brent Jensen reviewed the 2007-2008 Operating Budgets and Utility Funds expenditures and revenues.

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember LaBau said he met with the High Valley Home Owner's Association and it has asked the City to mow its park/storm water retention basin again this year.

Councilmember James said the National Night Out Against Crime is scheduled for August 5, 2008.

Councilmember Miller said Downs Printing is printing the July 4<sup>th</sup>

posters this year. She will have the posters distributed and out by next week.

Mayor Howard reported on the power crisis and the concerns of record high energy costs that could come this summer.

**ADJOURNMENT**

**ACTION**

**There being no further business before the Council, the Council Meeting adjourned at 8:15 p.m.**

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: June 19, 2008  
As Amended