

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 21, 2011 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

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

**CONDUCTING:** Mayor W. Dean Howard

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

**EXCUSED:** None.

**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 several boyscouts. Secretary Stephanie Eggleston recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Boy Scout Landon Knowles led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember Stephanie Miller.

**APPROVAL OF MINUTES:**

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of April 7, 2011 as written. Councilmember James seconded the motion. Councilmember Miller said she emailed changes to the minutes to City Recorder Stephanie Fricke. Four councilmembers present voted aye. Councilmember Tom LaBau abstained because he did not attend the April 7<sup>th</sup> meeting.

**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 Miller seconded the motion and all five councilmembers present voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:

A. Robyn Brown - To request approval of a Home Occupation

Business License at 211 North 200 West for retail sales of new, used, and antique items.

- B. Todd Pignataro, Hidden Valley Planned Unit Development - To request approval to amend Hidden Valley P.U.D.'s (located at approximately 650 West 85 South) final plat to allow development in phases; and approval of the final plat for Phase I which includes 15 residential building lots.
  - C. Fire Chief Cardell Nielsen - To present the annual Fire and EMS Reports.
9. OTHER BUSINESS:
- A. Consideration and approval of amending Hyrum City's Cemetery Policies and Regulations to allow a grave to be opened or refilled by someone other than a City employee.
  - B. Consideration and award of bid for the 2011 Water Projects.
  - C. Budget report.
  - D. Mayor and City Council reports.
10. ADJOURNMENT

***SCHEDULED DELEGATIONS:***

**ROBYN BROWN - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE AT 211 NORTH 200 WEST FOR RETAIL SALES OF NEW, USED, AND ANTIQUE ITEMS.**

Councilmember Miller asked Mr. Brown if he has received any input from neighbors about his business. Mr. Brown said all the neighbors with whom he has spoken said they are supportive of his business.

Councilmember Rasmussen asked if there will be delivery vehicles coming to the house to deliver or gather the antiques. Mr. Brown said there won't be any trucks coming to the house.

Councilmember James asked if there will be any outside storage. Mr. Brown said no. Everything will be contained inside.

**ACTION** Councilmember James made a motion to approve the request by Robyn Brown for a home occupation business license at 211 North 200 West for retail sales of new, used, and antique items. Councilmember Felix seconded the motion and all five councilmembers present voted aye.

**TODD PIGNATARO, HIDDEN VALLEY PLANNED UNIT DEVELOPMENT - TO**

**REQUEST APPROVAL TO AMEND HIDDEN VALLEY P.U.D.'S (LOCATED AT APPROXIMATELY 650 WEST 85 SOUTH) FINAL PLAT TO ALLOW DEVELOPMENT IN PHASES; AND APPROVAL OF THE FINAL PLAT FOR PHASE I WHICH INCLUDES 15 RESIDENTIAL BUILDING LOTS.**

Todd Pignataro said he has decided to go ahead with the development in spite of the economy, but wants to split it into phases. He will begin with the first 15 lots. He added a second lift station for the sewer. Just above the first canal there will be a lift station put in that will handle the first two phases, and then there will be an overflow from that lift station going down to the main lift station for the following phases.

Mr. Pignataro said the concept plan won't be changing at all except for not building the clubhouse right away. He has to wait to build the clubhouse until Phases III and IV. He plans on piping the canal and developing a portion of the trail within the Phase I area.

Councilmember Rasmussen asked if the lift station will be owned and operated by the PUD or the City. Todd said it was originally set up to be owned and operated by the City. He has talked to Sewer Superintendent Kevin Maughan about where to locate the lift station. Hyrum City will take over all the utilities except for street maintenance.

**ACTION**

**Councilmember LaBau made a motion to approve the request by Todd Pignataro, Hidden Valley Planned Unit Development, to amend Hidden Valley P.U.D.'s (located at approximately 650 West 85 South) final plat to allow development in phases; and approval of the final plat for Phase I which includes 15 residential building lots, with the recommendations of the Findings of Fact and the Planning Commission. Councilmember Felix seconded the motion and all five councilmembers present voted aye.**

**FIRE CHIEF CARDELL NIELSEN - TO PRESENT THE ANNUAL FIRE AND EMS REPORTS.**

Fire Chief Cardell Nielsen handed out a letter to each councilmember and read it aloud. Chief Nielsen also handed out a booklet that is given to older children who visit the fire station. He showed a plastic fire fighter hat that is given out to the younger children who visit the fire station. Mayor Howard complimented Chief Nielsen on his 40 years of service to the Hyrum City Fire Department.

**OTHER BUSINESS:**

**CONSIDERATION AND APPROVAL OF AMENDING HYRUM CITY'S CEMETERY POLICIES AND REGULATIONS TO ALLOW A GRAVE TO BE OPENED OR REFILLED BY SOMEONE OTHER THAN A CITY EMPLOYEE.**

Mayor Howard explained some families want to be able to bury the ashes or cremated remains of a family member without the cost of opening and closing a grave by the city. The ordinance will state that it can be done by an individual under the direction of the city. The individual must obtain a permit from the city, and under the direction of the city, the individual will be able to dig the grave themselves without any cost.

Councilmember LaBau asked about the wording "Cemetery Superintendent" and if it should read "Cemetery Sexton." Mayor Howard said our records use the term "Cemetery Superintendent." Councilmember LaBau agreed it should remain as "Cemetery Superintendent."

Councilmember LaBau asked about the decoration of graves. The ordinance states that shepherds hooks are prohibited outside the base of the headstone because of the danger posed to personnel. He asked if it really poses a danger to personnel or equipment. Mayor Howard said it can be a danger to both.

**ACTION** Councilmember Felix made a motion to approve the proposed changes to City's Cemetery Policies and Regulations as presented. Councilmember LaBau seconded the motion and all five councilmembers present voted aye.

**CONSIDERATION AND AWARD OF BID FOR THE 2011 WATER PROJECTS.**

Mayor Howard said the council needs more time to consider the matter.

**ACTION** Councilmember James made a motion to postpone the consideration and award of bid for the 2011 water projects until the next council meeting. Councilmember Rasmussen seconded the motion and all five councilmembers present voted aye.

*This item was discussed again after the Budget Report and a motion to approve the projects was made. Discussion and motion is found after the Budget Report.*

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Felix said he appreciates the opportunity he had to attend the Leagues of Cities and Towns conference. Councilmember James agreed.

Councilmember Rasmussen said he attended an irrigation meeting for the Porcupine Reservoir Company. It was more of an introductory meeting with Logan City, who is considering reopening a hydro-electric plant below Porcupine Dam. Feasibility studies are being conducted at this time.

Councilmember Miller said the Easter Egg Hunt is this Saturday at 9:00 a.m. The Youth Council is helping with that. The Easter Bunny will make an appearance.

The float is coming along. Hopefully it will be ready for the Youth Council to begin working on it next week.

Councilmember Miller has done some calling about getting started on restoring the cabin near the library. Councilmember Miller has talked quite a bit to ElRay Robinson about securing the foundation. Doug Nielsen and Stan Bassett have been checking on putting wood shakes and shingles on the roof. There is some money available through the Legion but not as much money as originally hoped for.

John Anderson has contacted Councilmember Miller about hosting a triathlon as part of the Fourth of July Celebration. It would probably be held early in June before the rodeo. He is checking on dates and will work on getting a permit from the county.

Mayor Howard said he has spent two days at UAMPS. Not a lot has changed except tighter regulations from the EPA on restriction for coal fired power. There are people getting out of the resource committee. A group came in and presented a solar farm located south and west of Parowan. It would be about 40 acres and produce about 50 megawatts of power. It is very expensive to put in. They are receiving grants to help with the cost and feel they can provide power for under \$80 per kilowatt hour. That is close to being competitive. The wind power the city is investing in, in Idaho, will be in the low \$70's. Mayor Howard said the lowest he has seen the solar power up to this point is \$120. Hyrum City might be interested in investing in a little bit of solar. Coal energy is about \$53 right now. CRSP is getting more expensive due to increased security.

Councilmember Miller asked if anything has changed as far as how nuclear power plants are viewed since the problems going on in Japan right now with their nuclear power plant. Mayor Howard said

no. Governor Herbert has a ten year plan which includes nuclear power in Utah. We have got to look at all the alternatives.

**BUDGET REPORT.**

City Administrator Brent Jensen said he met with the Forest Service and they aren't going to open the Left Hand road until May 15<sup>th</sup> because it is too wet. The Mountain Men may not be able to be up there as long as they would like to this year.

Brent said Sewer Plant Manager Kevin Maughan was at the sewer plant all night long. The plant has peaked at 1.9 million gallons per day. It is not designed to handle that much flow. Most of it is ground water. The city has a pump down at 675 West to help the homes in that area. The water is being pumped into the sewer and it is starting to plug the membranes. The plant is designed to run at two times its capacity for about 24 hours. Then it must go back to less than capacity or those membranes won't recover. Hopefully the flow will drop back enough to clean the membranes. The water coming in is cold and cools the bacteria and upsets the plant equilibrium. It's been a challenge and expense for the city. The city may not be able to continue to pump at 675 West. The city has ordered a geo tech study in that area and the engineer went down 30' in two different places and the clay was still very wet.

The city is 75% through the fiscal year. The culinary water revenues are at 61.7%. The city's largest customer has dropped its consumption. The city has spent about \$784,000 so far on the reservoir project at the mouth of the canyon. They are getting ready to pour the floor.

The sewer is at 71% revenues and 80% expenditures. Electric utility looks really good, as well as irrigation. Sales tax looks really good. Property tax is on target. Some of the other revenues are down. The city is watching utilities very closely.

The preconstruction conference on the recycling project went very well and they are anxious to get started. They will probably start after the first of May.

**ACTION**            **Councilmember James made a motion to reopen agenda item 9.B. Councilmember Felix seconded the motion and all five councilmembers present voted aye.**

**CONSIDERATION AND AWARD OF BID FOR THE 2011 WATER PROJECTS.**

Mr. Jensen explained there are three projects that have been

selected to be completed. The line on 100 West between 100 North and 100 South, the line across Salt Hollow, and the line between 400 West and 300 West on 200 North.

**ACTION** Councilmember James made a motion to approve the award  
**AMENDED** of the bid to Triple H for the 2011 Water Projects A,  
06-02-11 D, and E but to exclude Projects B, and C.  
Councilmember Felix seconded the motion and all five  
councilmembers present voted aye.

**ADJOURNMENT:**

**ACTION** There being no further business before the City  
Council, the Council Meeting adjourned at 7:15 p.m.

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W. Dean Howard  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: May 5, 2011  
As amended