

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 18, 2010
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 L. Rasmussen.

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 16 citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Mayor W. Dean Howard led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Paul C. James

APPROVAL OF MINUTES:

The minutes of January 21, 2010 were approved as written.

ACTION Councilmember LaBau made a motion to approve the minutes of January 21, 2010 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, posted on the State of Utah Public Notice website, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

ACTION Councilmember Rasmussen made a motion to approve the agenda as written. Councilmember James seconded the motion and all five councilmembers voted aye.

AGENDA

8. SCHEDULED DELEGATIONS:

- A. City Engineer Craig Neeley - To discuss park development priorities and impact fees.

10. OTHER BUSINESS:
 - A. Disproportionate cost fee analysis study for the Good Landlord Program.
 - B. Budget report.
 - C. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

CITY ENGINEER CRAIG NEELEY - TO DISCUSS PARK DEVELOPMENT PRIORITIES AND IMPACT FEES.

City Engineer Craig Neeley said the Utah Legislature adopted additional changes to the impact fee statute to refine the impact fee system to make it both viable and fair. Impact fees can only be spent on projects contained within the capital facilities plan. Facilities built with impact fees must have a useful life of 10 plus years. The notification process was amended to no longer require written notification to the Utah Home Builders Association, Utah Association of Realtors, and the Utah Chapter of Associated General Contractors. The law now requires a City to post notifications of amendments to impact fees and the public hearing notice on the Utah State Public Notice Website. The Impact Fee Analysis has to be certified by the consultant that the impact fee analysis includes only costs for capital facilities allowed under the Impact Fee Act; Fees are projected to be spent or encumbered within 6 years after impact fee is paid; Contains no cost for operations and maintenance; Offset costs with grants or other alternate sources of funding; Facilities will not raise the LOS for existing residents; and Complies in each and every relevant respect with the Impact Fee Act. Once the impact fees have been adopted by ordinance the City's Chief financial officer is required to establish a report that identifies impact fee funds by: 1. The year in which they were received; 2. The project from which the funds were collected; 3. Capital projects for which funds were budgeted; and 4. Projected schedule for expenditure. The report must be submitted annually to the State Auditor's office. Local government may create an ordinance or resolution to establish an appeals process to review impact fee challenges. The Office of the Property Rights Ombudsman will issue advisory opinions on impact fee questions. The court will generally try to uphold an impact fee as a legislative enactment which is afforded a great deal of deference, but cannot validate a fee that was enacted without proper formalities. If an impact fee is not spent or encumbered within six years after the City receives it the impact fee must be refunded.

Craig Neeley said the City has two pieces of park property that its wants to develop. The Blacksmith Park property is located at approximately 1300 East 200 South. The concept plan for this park includes 3.25 miles of trails, two playgrounds, over 11.5 acres of turf grass over 330 trees, two pavilions, three restrooms, lighted baseball field and stand, one acre leash free dog park, tennis court, basketball court, volleyball, horseshoe pits, and a one-half mile bike lane. The development of the park is broken down into three phases. Phase 1 includes a parking lot, playground area, restrooms, and the one acre dog park. The estimated cost for Phase I with landscaping is \$423,720.00. Phase 2 has a pavilion, stormwater collection facilities, and a parking lot. The estimated cost for Phase 2 with landscaping is \$743,160.00. Phase 3 is the largest phase with the baseball diamond, basketball court, tennis courts, restrooms, playground area, and stormwater collection facilities. The estimated cost for Phase 3 is \$1,443,915.00.

Salt Hollow Park property is located at approximately 100 North 300 West. The concept plan for this park includes a sledding hill, sprinkler park, playground equipment, pavilion, restrooms, and multi use play fields. The total estimated cost for the Salt Hollow Park is \$770,550.00.

Hyrum City is preparing applications for a RAPZ Tax Grant for \$287,840 to build the southside of Salt Hollow Park and \$140,035 for Phase I of Blacksmith Park.

OTHER BUSINESS:

DISPROPORTIONATE COST FEE ANALYSIS STUDY FOR THE GOOD LANDLORD PROGRAM.

Councilmember LaBau said the Good Landlord Committee has met a couple of times to discuss the Good Landlord Program and the fees associated with the program. Under Utah law, businesses that create more costs for cities to provide municipal services can be charged a higher license fee. In many cities, studies have found rental property have a high of 40% more police and fire calls for service. In order to pay for those extra costs, cities can charge a disproportionate fee to rental property owners. The Good Landlord program is a way for owners who do a good job managing and help cities reduce the need for services to pay lower license fees. The Good Landlord program is incentive based and provides discounts on license fees for apartment owners who agree to do the following things, such as: 1. Run credit and criminal background checks on all applicants and refuse to rent to certain high risk tenants; 2. Have a zero tolerance policy for

crime committed on the property and agree to begin evictions immediately when tenants or their invited guest cause a criminal disturbance; 3. Comply with all zoning and city ordinances; and 4. Attend a city approved landlord training program to help assure owners know their responsibilities, understand the impact bad tenants have on communities, and so they know the proper, legal way to deal with problems. The Good Landlord Committee is recommending the City hire a consultant to conduct a disproportionate cost fee analysis study on rental properties in Hyrum. If the results of the study show that there is not a disproportionate fee for rental units then the City may not want to develop a Good Landlord Program. The City could just implement a business license fee for rental property owners.

The City Council approved the expenditure of up to \$10,000 for a disproportionate cost fee analysis study on rental properties in Hyrum.

BUDGET REPORT.

City Administrator D. Brent Jensen reviewed the 2009-2010 General Fund and Utility Funds expenditures and revenues in detail. Most of the departments are at 55% of budget and should remain under budget for the remainder of the Fiscal Year. The General Governments Building fund is over budget by \$13,983.45 due to the heating and air conditioning control units at the City Office building needing to be replaced. Electric power costs continue to increase and the City needs to consider raising electric rates.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the library raised almost \$1,000 for new blinds at its book and bake sale on February 12 and 13. The Census Bureau is using the library's cafe room as an office for the 2010 Census. The Census starts April 1, 2010.

Councilmember James said baseball registration starts in March and participants will be able to register on line through Hyrum City's website.

Councilmember Rasmussen said he attended the Hyrum Irrigation Meeting and Councilmember Paul James was elected to serve as the new President of Hyrum Irrigation Company. Gerald Swenson resigned from his position as the Water Master for Hyrum Irrigation Company. The Irrigation Board decided to hire Gerald Swenson's stepson Royal Jewkes to fill the vacated position.

Councilmember Miller said the Hyrum City Princess Pageant is on March 5 at 7:00 p.m. in the Hyrum Civic Center. She has sent

letters to the girls in the community and has arranged for a notice to be put in the Herald Journal. The Youth Council is working with Jeff McBride on a display for the Sesquicentennial Celebration. As part of the Sesquicentennial Celebration she has arranged for Hyrum Smith to be a guest speaker on April 10 at 7:00 p.m.

Mayor Howard said he attended UAMPS Meeting and is concerned about the price of power in the near future. Due to the lower quality of coal it is more expensive to produce electricity at coal fired plants. Nebo Power Plant is running well. CRSP power continues to provide the cheapest power. The Horse Butte Wind Project is located east of Idaho Falls continues to move forward and hopes are that it will be producing power by late 2012. They are looking at turbine manufacturers and comparing quality with prices.

ADJOURNMENT:

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

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: March 4, 2010
 As Written