

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 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, and Craig L. Rasmussen.

EXCUSED: Councilmember Stephanie Miller

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, and 21 citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

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

INVOCATION: Zoning Administrator Ron Salvesen

APPROVAL OF MINUTES:

The minutes of the special City Council Meeting held on March 4, 2010 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of a special City Council Meeting held on March 18, 2010 as written. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

The minutes of the regular City Council Meeting held on March 4, 2010 were approved as written.

ACTION Councilmember LaBau made a motion to approve the minutes of a regular City Council Meeting held on March 18, 2010 as written. Councilmember Rasmussen seconded the motion and all four councilmembers present 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 James made a motion to approve the agenda as written. Councilmember Felix seconded the motion and all four councilmembers present voted aye.**

AGENDA

8. SCHEDULED DELEGATIONS:
 - A. Duane Smith, Habitat for Humanity - To request a waiver of impact fees.
 - B. Diane Behl, Child Family Support Center - To request approval of a Proclamation declaring April 2010 as Child Abuse Prevention Month.
 - C. Paul Berntson, Cache County Building Department - To present the annual building report.
 - D. Jeff Jackson, Miller Brothers P.U.D. - To request final plat approval for a three lot planned unit development located at approximately 550 South 200 East.
 - E. Royce Yorgenson, Elk Mountain P.U.D. - To request amending the final plat for Elk Mountain Planned Unit Development Phase I B from 25 single family dwellings to 12 twin houses (24 units) and 17 single family dwellings located at approximately 1250 East and 330 South.
 - F. Fire Chief Cardell Nielsen - To present the annual fire department report.
 - G. Emergency Management Director Blake Christensen - To present the annual EMT and EMS reports.
9. INTRODUCTION AND ADOPTION OF A RESOLUTION:
 - A. Resolution 10-05 - A resolution extending the .005 cent surcharge on all electrical energy consumed by all classes of municipal electrical energy customers.
10. OTHER BUSINESS:
 - A. Cache Valley Ranch water rights.
 - B. Budget report.
 - C. Mayor and City Council reports.
11. ADJOURNMENT

SCHEDULED DELEGATIONS:

DUANE SMITH, HABITAT FOR HUMANITY - TO REQUEST A WAIVER OF IMPACT FEES.

Duane Smith said he is president of the Cache Valley Habitat for Humanity Organization. Habitat for Humanity is a non-profit organization that provides safe, decent, an affordable shelter to

families. It builds or rehabilitates houses through volunteer labor, donations of money and materials. Habitat for Humanity owns a residential building lot at 310 West 100 South in Hyrum and is planning on building a house on that lot for a family. However, in order to keep costs low for the family he asked the City Council to waive the impact fees.

Mayor Howard said Section 3.24.040 of the Hyrum City Municipal Code authorizes the City Council to adjust impact fees in response to unusual circumstances in specific cases.

Councilmember Rasmussen said houses built by Habitat for Humanity are primarily constructed with volunteer labor. The Habitat for Humanity Board of Directors is not paid.

ACTION Councilmember LaBau made a motion to waive the residential impact fees for Habitat for Humanity at 310 West 100 South. Councilmember James seconded the motion and all four councilmembers present voted aye.

DIANE BEHL , CHILD FAMILY SUPPORT CENTER - TO REQUEST APPROVAL OF A PROCLAMATION DECLARING APRIL 2010 AS CHILD ABUSE PREVENTION MONTH.

Diane Behl with the Child Family Support Center presented a Proclamation declaring April 2010 as Child Abuse Prevention Month. The center is also holding several events in April to provide community awareness of child abuse. The Child Family Support Center is a private, non profit organization that was established in 1982. The Child Family Support Center serves families and children in both Cache and Rich Counties and is administered by a Board of Directors made up of local citizens willing to donate their time and talents. Services provided by the center include a 24 hour crisis nursery; 24 hour crisis hotline; parenting classes; therapy for victims of abuse; children's classes for anger management, social skills, etc; and a child abuse shelter.

A short Power Point presentation was shown on Cache Valley's child abuse statistics and reports of actual child abuse cases.

ACTION Councilmember James made a motion to approve a Proclamation recognizing April 2010 as Child Abuse Prevention Month. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

PAUL BERNTSON, CACHE COUNTY BUILDING DEPARTMENT - TO PRESENT THE ANNUAL BUILDING REPORT.

Paul Berntson from the Cache County Building Department said in 2009 there were 92 building permits issued in Hyrum City, which is almost double from 2008. Hyrum City was the exception in Cache Valley for building permits issued this past year most cities had a significant decline in building permits. Building permits throughout Cache Valley are down 30 to 40 percent from two years ago.

ACTION Councilmember LaBau made a motion to approve the 2009 Building Report. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

Mayor Howard thanked Paul Berntson and his staff for doing a great job handling the City's building permits.

JEFF JACKSON, MILLER BROTHERS P.U.D. - TO REQUEST FINAL PLAT APPROVAL FOR A THREE LOT PLANNED UNIT DEVELOPMENT LOCATED AT APPROXIMATELY 550 SOUTH 200 EAST.

Jeff Jackson with Mt. Sterling Construction said he is representing Kris, Mark, and James Miller. The Miller Brothers want to subdivide their land at approximately 550 South 200 East into a three lot Planned Unit Development.

Zoning Administrator Ron Salvesen said the City Council approved the concept plan on November 5, 2009 and the preliminary plat on November 19, 2009. The preliminary plat was approved with the following conditions: 1) a complete copy of the CC&R's must be submitted with the final plat; 2) a note on the final plat regarding lots owners are equally responsible for road improvements and maintenance; 3) construction drawings for public utility extensions be approved by the City Engineer before any other houses are constructed; 4) the developers review the CC&R's to ensure they do not want signs allowed; and 5) this statement be added to the final plat, "When building permits are applied for on any of these lots the plans for the structure must be submitted to the Hyrum City Planning Commission for the architectural review process.". Hyrum City's staff and engineer have reviewed the final plat and it appears to contain all of the amendments recommended by the City Council. Construction drawings for the public utilities will need to be approved by the City Engineer before the other houses are constructed.

ACTION Councilmember James made a motion to approve the final plat for a three lot Planned Unit Development located at approximately 550 South 200 East with the following conditions before the last two houses are constructed:

1) approval of the site plan must be obtained from the Planning Commission since it serves as the Architectural Review Committee; 2) culinary water and sewer lines need to be installed to City standards along 550 South; 3) the road through the Planned Unit Development is a private road with a 25 foot right-of-way and 20 feet of asphalt and will be built, owned and maintained by all three of the lot owners. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

ROYCE YORGENSON, ELK MOUNTAIN P.U.D. - TO REQUEST AMENDING THE FINAL PLAT FOR ELK MOUNTAIN PLANNED UNIT DEVELOPMENT PHASE I B FROM 25 SINGLE FAMILY DWELLINGS TO 12 TWIN HOUSES (24 UNITS) AND 17 SINGLE FAMILY DWELLINGS LOCATED AT APPROXIMATELY 1250 EAST AND 330 SOUTH.

Royce Yorgesen requested amending the final plat for Elk Mountain Planned Unit Development Phase IB from 25 single family dwellings to 12 twin houses (24 units) and 17 single family dwellings located at approximately 1250 East and 330 South. Residential single family dwelling construction has slowed down over the past couple of years; however, the demand for twin houses has risen. In order to meet the needs of the residents of Cache Valley, he wants to divide the inner lots of Phase IB into two lots and build twin houses. The twin houses exterior will consist of fiber board that will need to be repainted every five to seven years. The Home Owners Association is responsible to repaint the fiber board as needed. There will be no vinyl siding on the twin houses. There will be several house plans for a buyer to choose from, some of the plans have a basement and some do not. Each town house will have a two-car garage and a landscaped front yard. The HOA is responsible for landscaping and maintenance of the front yard. Currently, they have hired a company to manage the HOA, but once 75% of the lots are sold, it will be up to the homeowners to decide how the HOA is managed.

Ron Hales with Elk Mountain Planned Unit Development said they are in a hurry to get this approved because they want to have a twin house finished in time for the Cache Valley Parade of Homes in June.

Zoning Administrator Ron Salvesen said on March 11, 2010 the Planning Commission recommended approval of the final plat for Elk Mountain Planned Unit Development Phases IA and IB with the following conditions: 1) ne street tree must be planted on each single family lot and three street trees must be planted on corner lots (street trees must have a minimum 2" caliper trunk);

2) different house plans be made available for the twin houses, so that there is some variety in the appearance of buildings in the development; and 3) the development schedule be followed closely; and 4) the berm along 300 South be built as soon as utilities are installed.

Councilmember Felix said he has received telephone calls from residents concerned about the increasing density of Elk Mountain. They don't want the density increased in every phase; they want the City Council to make Elk Mountain follow the approved concept plan.

Ron Hales said the original concept plan for Elk Mountain included twin houses in Phase IB. The concept plan was amended because the City Council didn't want twin houses. The City Council wanted single family dwellings and a retirement community. He would like to build additional twin houses in other areas of Elk Mountain.

Councilmember Felix said Elk Mountain wants to increase the density but is not providing additional green space, or any other amenities.

ACTION

Councilmember James made a motion to approve the final plat for Elk Mountain Planned Unit Development Phases IA and IB with the following conditions: 1) one street tree must be planted on each single family lot and three street trees must be planted on corner lots (street trees must have a minimum 2" caliper trunk); 2) different house plans be made available for the twin houses, so that there is some variety in the appearance of buildings in the development; 3) the development schedule be followed closely; and 4) the berm along 300 South be built as soon as utilities are installed. Councilmember Rasmussen seconded the motion.

Councilmember LaBau said he is concerned about increasing the density without increasing the number of parking places and park area. He drove through Elk Mountain today and there are kids already riding bikes in the street. Phase I includes a park with playground equipment and he would like it to be finished before approving another phase.

Ron Hales said the park in Phase I will have a sprinkler system installed and grass by June 1, 2010. However, due to the cost of liability insurance he does not want to install playground equipment.

Councilmember LaBau said the park should be finished with playground equipment before the City approves additional density. The children in Elk Mountain need a safe place to play.

Ron Hales said he too is concerned about the safety of the children that live in Elk Mountain and will have grass in the park by June 1, 2010.

Councilmember LaBau said he wants playground equipment in the park not just grass. He asked Ron Hales which phase the pool and club house were to be built in.

Ron Hales said the pool and club house is in the last phase, Phase IV.

Councilmember Rasmussen said like Councilmember LaBau he is concerned about the safety of the children in Elk Mountain, but even if there is a park there is no guarantee the children won't play in the streets. There are some parents that don't require their kids to not play in the road.

Councilmember James said Canyon Elementary School has a park with playground equipment that is just north of Elk Mountain. The City owns park property north of Elk Mountain that will eventually be developed with playground equipment.

Mayor Howard called for a vote on the motion and Councilmembers Felix, James, and Rasmussen voted aye and Councilmember LaBau voted nay. The motion passed.

FIRE CHIEF CARDELL NIELSEN - TO PRESENT THE ANNUAL FIRE DEPARTMENT REPORT.

Fire Chief Cardell Nielsen presented the 2009 Fire Department report. This past year there was a record number of 164 calls: Hyrum - 77; Nibley - 49; Millville - 12; unincorporated areas of Cache County - 13; and neighboring communities under the mutual aid agreement - 13. The Hyrum City Fire Department consists of 28 members. There were six new people that joined the Fire Department, but four of the new people have already resigned. Last year the Fire Department provided 604 hours of community service which included public meetings, parades, National Night Out Against Crime, tour for Cub and Boy Scouts, visits to school, and other educational requests. Members of the Hyrum Fire Department are proud to serve the citizens of Hyrum City and be a part of the traditions and history that makes up the Hyrum Fire Department and the community of Hyrum. The members of the Hyrum Fire Department thanked the Mayor and City Council for their

support.

ACTION Councilmember James made a motion to approve the 2009 Fire Department report. Councilmember Felix seconded the motion and all four councilmembers present voted aye.

EMERGENCY MANAGEMENT DIRECTOR BLAKE CHRISTENSEN - TO PRESENT THE ANNUAL EMT AND EMS REPORTS.

Emergency Management Director Blake Christensen presented the 2009 EMS report. The Hyrum EMS Department responded to 180 calls this past year and all of these calls were within the Hyrum City response area. The EMS Department has 15 members; of those two were brought on this past year. In 2009, the EMS Department provided 452 hours of community service which included parades, National Night Out Against Crime, tours for Cub and Boy Scouts, CPR classes, first aid merit badge training, emergency preparedness merit badge training, and visits to schools. The members of the EMS Department had 973 hours of training and provided 1085 hours responding to calls. The members of the Hyrum EMS Department thanked the Mayor and City Council for their support in providing equipment and training.

ACTION Councilmember Rasmussen made a motion to approve the 2009 EMT and EMS reports. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

INTRODUCTION AND ADOPTION OF A RESOLUTION:

RESOLUTION 10-05 - A RESOLUTION EXTENDING THE .005 CENT SURCHARGE ON ALL ELECTRICAL ENERGY CONSUMED BY ALL CLASSES OF MUNICIPAL ELECTRICAL ENERGY CUSTOMERS.

Mayor Howard said the electrical power surcharge expired last year. Resolution 10-05 will extend the .005 cent surcharge on all electrical energy consumed by all classes of municipal electrical energy customers. If the surcharge is approved it will be in place until the City Council adopts a new power rate schedule.

ACTION Councilmember Felix made a motion to approve Resolution 10-05 extending the .005 cent surcharge on all electrical energy consumed by all classes of municipal electrical energy customers. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

OTHER BUSINESS:

POWER RATES.

City Administrator D. Brent Jensen said electric consumption and rates continue to increase but Hyrum City has not increased its electric rates since January of 2001. Comlink Land Services conducted a cost-of-service study and presented its findings and recommendations to the City Council on May 18, 2006. Comlink suggested the City make modest increases in the monthly customer charge over time to help recover more of Hyrum City's fixed costs and an immediate electric rate increase. However, the City did not raise the monthly customer charge nor electric rates. The City Council held a special meeting on March 4, 2010 to discuss the temporary surcharge and the financial impact it would have on the City if it was not renewed until electric rates were revised. The City Council asked him to prepare two options for increasing electric rates he should have them ready by next City Council Meeting.

Mayor Howard said he would prefer one large rate increase rather than small incremental increases over a couple of years.

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 65% of budget and should remain under budget for the remainder of the Fiscal Year.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the Census starts April 1, 2010 and posters are being hung-up throughout the community.

Councilmember Miller said the Youth Council attended the USU Leadership Training Conference and will be reporting on it at the next City Council meeting.

ADJOURNMENT:

**ACTION There being no further business before the City
 Council, the Council Meeting adjourned at 8:20 p.m.**

W. Dean Howard

Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: April 1, 2010
As Written