

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 21, 2010  
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.

**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, and 16 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** City Administrator D. Brent Jensen led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Mayor W. Dean Howard

**APPROVAL OF MINUTES:**

The minutes of January 7, 2010 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of January 21, 2010 as written. Councilmember LaBau 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 Rasmussen made a motion to approve the agenda as written. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

#### AGENDA

8. SCHEDULED DELEGATIONS:

A. Associated Pipeline Contractors, Inc. - To request site

- plan approval for a temporary construction yard and employee parking at approximately 350 South Hammer Road.
- B. Jared Clawson - To discuss a proposal to connect O'Berry Canal irrigation users to Hyrum City's piped irrigation system.
9. INTRODUCTION AND ADOPTION OF RESOLUTIONS:
- A. Resolution 10-03 - A resolution authorizing and approving the exchange of municipal irrigation water shares.
- B. Resolution 10-04 - A resolution authorizing the execution and delivery of an interlocal agreement for Justice Court Services with Hyrum City.
10. OTHER BUSINESS:
- A. Award of bid for Irrigation Reservoir Expansion Project.
- B. To discuss the exchange of real property for Hyrum City's upper Left Hand Fork Canyon property.
- C. Old power plant building repairs.
- D. Mayor and City Council reports.
11. ADJOURNMENT

***SCHEDULED DELEGATIONS:***

**ASSOCIATED PIPELINE CONTRACTORS, INC. - TO REQUEST SITE PLAN APPROVAL FOR A TEMPORARY CONSTRUCTION YARD AND EMPLOYEE PARKING AT APPROXIMATELY 650 SOUTH HIGHWAY 165.**

Zoning Administrator Ron Salvesen said on January 14, 2010 the Hyrum City Planning Commission recommended the City Council approve Associated Pipeline Contracts site plan for a temporary construction yard and employee parking area at approximately 350 South Hammer Road with the following conditions: 1) The project is temporary beginning April 1, 2010 and the site is to be restored to its original condition by June 1, 2011; 2) Covered dumpsters must be onsite for parking lot and trailers; 3) A list of all federal procedures and permits be provided to the City; 4) Limited lighting that does not affect the surrounding property; 5) Dust be kept under control at the site and the county road, along with all other storm water requirements maintained; 6) The City be provided with a name and phone number of an Associated Pipeline Contractors employee that will be handling complaints, questions, etc.; 7) Gravel will be added as needed; and 8) If possible, partner with the City in improvements to Hammer Road where it joins with Highway 101.

Councilmember Rasmussen said the zoning of the property is Manufacturing M-2 and permits this type of use. This is a better location than the previously requested on (650 South Highway 165)

for the temporary construction yard and employee parking.

**ACTION** Councilmember LaBau made a motion to approve Associated Pipeline Contractors site plan for a temporary construction yard and employee parking area at approximately 350 South Hammer Road with the following conditions: 1) The project is temporary beginning April 1, 2010 and the site is to be restored to its original condition by June 1, 2011; 2) Covered dumpsters must be onsite for parking lot and trailers; 3) A list of all federal procedures and permits be provided to the City; 4) Limited lighting that does not affect the surrounding property; 5) Dust be kept under control at the site and the county road, along with all other storm water requirements maintained; 6) The City be provided with a name and phone number of an Associated Pipeline Contractors employee that will be handling complaints, questions, etc.; 7) Gravel will be added as needed; and 8) If possible, partner with the City in improvements to Hammer Road where it joins with Highway 101. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

**JARED CLAWSON - TO DISCUSS A PROPOSAL TO CONNECT O'BERRY CANAL IRRIGATION USERS TO HYRUM CITY'S PIPED IRRIGATION SYSTEM.**

Jared Clawson said last night Hyrum Irrigation Company met with stock holders to discuss connecting Clawsons, Nielsens, Christensens, and Mathews, who presently irrigate with O'Berry water, to the City's pressurized irrigation system. No one was opposed to it and several O'Berry water users not included expressed an interest in participating.

Mayor Howard said he appreciates the Clawson family and Hyrum Irrigation Company for working this out before coming to the City Council. City Engineer Craig Neeley has provided an estimate of added pumping costs and is still working on revisions to his pumping cost estimate.

Councilmember Rasmussen said he attended the irrigation meeting last night and there was no opposition. There were concerns about where the O'Berry water would go if the City's irrigation ponds were full.

Jared Clawson said if there is excess water it can be shut off or diverted down the river rather than into the irrigation ponds.

City Administrator D. Brent Jensen said the irrigation company will have to work with the City to monitor stream flow since it takes at least eight hours for the water to be diverted into the river.

**ACTION** Councilmember James made a motion to approve the concept of allowing some of the O'Berry Canal users to connect to the City's pressurized irrigation system and for the City to provide a letter stating the City is willing to allow them to use the irrigation system if the City and O'Berry users can come to an agreement. Councilmember Rasmussen seconded the motion.

Councilmember Rasmussen amended Councilmember James' motion to include this approval is just to start the process of working out the details and coming to an agreement with all parties involved. Councilmember James accepted Councilmember Rasmussen's amendment to the motion and all four councilmembers present voted aye.

***INTRODUCTION AND ADOPTION OF A RESOLUTION:***

**RESOLUTION 10-03 - A RESOLUTION AUTHORIZING AND APPROVING THE EXCHANGE OF MUNICIPAL IRRIGATION WATER SHARES.**

City Administrator D. Brent Jensen said the agreement includes a statement that if the Clawsons and/or Nielsens transfer, voluntarily or involuntarily, or cease to use the property for agricultural activities on any of the farm property that is serviced by the water rights associated with the High Line shares the City has the right to repossess its shares. The City has to file a Uniform Commercial Code - 1 (UCC-1) Financing Statement Lien Form with the Utah Division of Corporations and Commercial Code to protect its rights to the High Line shares. The UCC-1 filing is good for five years. The City will need to file a new UCC Continuation Filing every five years.

**ACTION** Councilmember James made a motion to approve Resolution 10-03 authorizing and approving the exchange of municipal irrigation water shares. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

**RESOLUTION 10-04 - A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY ON AN INTERLOCAL AGREEMENT FOR JUSTICE COURT SERVICES FOR PARADISE TOWN.**

Mayor Howard said Paradise Town has asked Hyrum City to provide

Justice Court services for its community. Hyrum City will receive 50% of the fines, forfeitures and other revenues collected by the Justice Court for Paradise Town.

**ACTION** Councilmember Miller made a motion to approve Resolution 10-04 authorizing the execution and delivery of an Interlocal Agreement for Justice Court services for Paradise Town with the condition that Paradise Town approves the same resolution and agreement. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

***OTHER BUSINESS:***

**AWARD OF BID FOR IRRIGATION RESERVOIR EXPANSION PROJECT.**

Mayor Howard said Hyrum City received 15 bids for the Irrigation Reservoir Expansion Project.

| <u>CONTRACTOR</u>              | <u>BID AMOUNT</u>   |
|--------------------------------|---------------------|
| <b>Staker Parson</b>           | <b>\$ 99,831.00</b> |
| Edge Excavation                | 108,780.25          |
| Rupp Trucking                  | 115,255.00          |
| Bailey Construction            | 120,085.00          |
| Willow Valley Construction     | 120,306.95          |
| Raymond Construction           | 123,613.45          |
| Geneva Rock                    | 125,877.00          |
| AAA Excavation                 | 126,088.00          |
| LeGrand Johnson                | 133,622.80          |
| KCA Construction               | 138,296.82          |
| Don Fisher                     | 139,081.80          |
| Ormond Construction            | 140,986.30          |
| Allied Construction            | 147,134.49          |
| Whitaker Construction          | 149,417.00          |
| Waterson EX & G                | 151,953.00          |
| <i>City Engineers Estimate</i> | <i>130,000.00</i>   |

City Engineer Craig Neeley has reviewed the bids and recommends awarding the Hyrum Irrigation Reservoir Project to Staker Parson for \$99,831.00.

**ACTION** Councilmember James made a motion to award the Hyrum Irrigation Reservoir Project to Staker Parson for \$99,831.00. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.

**THE EXCHANGE OF REAL PROPERTY FOR HYRUM CITY'S UPPER LEFT HAND FORK CANYON PROPERTY.**

City Administrator D. Brent Jensen said Bruce Leishman wants to trade four building lots in the Orchard Hills Subdivision in Providence for the City's Left Hand property. He claims the lots are worth about \$75,000 each and should be fairly easy to sell. He wants to trade property for Left Hand because of the tax advantage it gives him. He feels the individual lots will be easier to sell than a 40-acres piece of recreational property.

Councilmember James said he doesn't think that it is in the best interest to own property outside City limits.

Councilmember LaBau said he would prefer Bruce sell the buildings lots and then buy the Left Hand property from the City.

The City Council concurred that it was not in favor of proceeding with Bruce Leishman's proposal to trade four building lots for Hyrum City's upper Left Hand Fork Canyon property.

#### **OLD POWER PLANT BUILDING REPAIRS.**

Mayor Howard said the roof is leaking on the old power plant building at the mouth of the canyon and the brick is sloughing on the south side. The City uses this building for a warehouse to store Christmas decorations, etc. To determine if the building is worth fixing a minimal structural study would need to be conducted. City Administrator D. Brent Jensen contacted a couple of engineering firms to receive a verbal quote on a structural study and Sargent Engineering offered the lowest bid of \$2,000.

Councilmember Rasmussen declared a conflict of interest since he is an owner of Sargent Engineering and the principal in charge of the Logan office.

**ACTION**            **Councilmember James made a motion for Sargent Engineering to conduct a structural study on the old power plant for an amount not to exceed \$2,000. Councilmember LaBau seconded the motion and Councilmembers James, LaBau, and Miller voted aye and Councilmember Rasmussen abstained. The motion passed.**

#### **MAYOR AND CITY COUNCIL REPORTS.**

Councilmember LaBau said he has formed a committee to work on the Good Landlord Program.

Councilmember James said the Recreation Committee met and baseball registration will start in March.

Councilmember Rasmussen said he will be attending two irrigation

meetings next week.

Councilmember Miller said ten people registered for the beard growing contest. The Youth Council is attending Local Officials Day at the Legislature on January 27. The Youth Council is going to leadership training at Utah State University on March 18 & 19.

**ADJOURNMENT:**

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

ATTEST:

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W. Dean Howard  
Mayor

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Stephanie Fricke  
City Recorder

Approved: February 18, 2010  
                 As Written