

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 20, 2025
AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Steve, Adams, Jared Clawson, Michael Nelson, and Craig L. Rasmussen.

EXCUSED: Councilmember Paul James

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

OTHERS PRESENT: City Engineer Matt Holmes, City Planner Tony Ekins, Library Director Emily Coltrin, and four citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Miller welcomed everyone in attendance and invited audience participation.

PLEDGE OF ALLEGIANCE: Mayor Miller

INVOCATION: Councilmember Nelson

APPROVAL OF MINUTES:

The minutes of a regular meeting on February 6, 2025 were approved as written.

ACTION Councilmember Clawson made a motion to approve the minutes of a regular meeting held on February 6, 2025 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, Nelson, and Rasmussen voted aye. The motion passed.

The minutes of a special meeting on February 11, 2025 were approved as written.

ACTION Councilmember Nelson made a motion to approve the minutes of a regular meeting held on February 11, 2025 as written. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, Nelson, and Rasmussen voted aye. The motion passed.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was emailed to The Herald Journal, posted on the Utah Public Notice Website and Hyrum City's Website, provided to each member of the governing body, and posted at the City Offices more than forty-eight hours before meeting time.

ACTION

Councilmember Rasmussen made a motion to approve the agenda for February 20, 2025 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, Nelson, and Rasmussen voted aye. The motion passed.

9. SCHEDULED DELEGATIONS

A. Corey Waddoups, Unreasonable Capital Hyrum - To request approval for the amendment to the final plat of Harvest Valley Court P.U.D. located at approximately 43 North 300 East to adjust the east boundary of the plat to reflect the city right-of-way.

10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

A. Resolution 25-04 - A resolution setting the Hyrum City Disc Golf Course Rental Fee and Deposit Schedule and Approving the Disc Golf Course Rental Agreement and Contract.

B. Resolution 25-05 - A resolution amending Section VI. Employee Code of Conduct of the Personnel Policies and Procedures Manual For Hyrum City Corporation to add item 14. Elected Officials of Hyrum City can not be employees of Hyrum City.

C. Resolution 25-06 - A resolution authorizing the execution and delivery of an amended Interlocal Agreement for Library Services with Nibley City.

D. Resolution 25-07 - A resolution authorizing the execution and delivery of an amended Interlocal Agreement for Library Services with Wellsville City.

E. Ordinance 25-03 - An ordinance amending Sections 17.04.070, and 17.48.020 of Title 17 (The Zoning Ordinance) of the Hyrum City Municipal Code to define Health Clubs and to allow food service (bakeries, restaurants, caterers, etc.) and service industries (laundry, carwash, barbers, clinics and doctors offices, dentist, tailors, and other comparable uses) as permitted uses and health clubs as a conditional use in the Manufacturing M-1 Zone.

11. OTHER BUSINESS

A. Consideration and appointment of Nomination Commission

- Members for Justice Court Judge vacancy.
 - B. Budget Report.
 - C. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller asked if a citizen had a question or comment to please keep it under three minutes.

There being no public comment, Mayor Miller moved to the next agenda item.

SCHEDULED DELEGATIONS:

COREY WADDOUPS, UNREASONABLE CAPITAL HYRUM - TO REQUEST APPROVAL FOR THE AMENDMENT TO THE FINAL PLAT OF HARVEST VALLEY COURT P.U.D. LOCATED AT APPROXIMATELY 43 NORTH 300 EAST TO ADJUST THE EAST BOUNDARY OF THE PLAT TO REFLECT THE CITY RIGHT-OF-WAY.

Jacob Howell said he is the realtor for this project and Corey Waddoups was unable to attend tonight's meeting and asked him to attend in his stead. The developer is seeking to amend the plat to adjust the east boundary of the plat to reflect the accepted City right-of-way.

City Engineer Matt Holmes said the significant changes to the plat include shifting away from the east boundary to meet the 10 foot setback. Lot lines 19 to 28 need adjusted to match the building envelopes. The easement along the east side of 260 East should be moved to open space as this will be used by the entire development. With the reduced property, the open space is very near or under the minimum 50%. If driveways and sidewalk are allowed to be considered under the Hyrum City Municipal Code Section 17.30.070(E) (3) (f) this will meet the requirement. Electrical components are estimated to have a 2.5 year delay and the developer needs to coordinate with the Hyrum Power Department if the development needs any upgrades to the existing services. The developer has installed sewer lines that will need to be pressure tested along with camera inspections. Sewer laterals will most likely need to be replaced.

Councilmember Rasmussen said after reviewing the proposed plat there are still significant items that need to be corrected. The footprint for lots 24 and 25 are going to be very small. The

easement encroaches on the building envelope. Lot lines should be shifted over to accommodate the changes. If it is an easement then it should be common space, unless surface use is exclusively for the owners of lots 23 and 24. Original construction drawings showed sidewalk. A sidewalk should not be a specific lot owner's responsibility. What is the plan for the manhole extending into the air at the irrigation connection by Main Street? What is the plan for curb that is mis-aligned on 300 East and the curb intersection at Main Street? What has happened with the utility installations - large gaps under the gutter sections, and undermined parallel to gutter and compaction. What is the water line cover along west property line? What is the current contractor's quality of work? Is there a schedule for utility improvements and project completion?

Hyrum City Municipal Code Section 17.04.030 Scope reads, "A. This title applies within the corporate boundaries of the City as they presently exist or as they may be amended by the City Council. B. This title shall be regarded as the minimum requirements for the purpose herein stated and shall not nullify the more restrictive provisions of covenants, conditions, agreements, or other ordinances or laws. C. Any use or occupation of land previously approved as of the effective date of the ordinance codified in this title shall be permitted to continue as a lawful use or exception. However, any proposed changes to a previously approved site plan, use or occupation of land shall be done in compliance with the conditions and requirements of this title. D. No building, structure or land may hereafter be used or occupied, and no building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all the regulations applicable to the zone in which it is located. E. No part or lot area, open space, off-street parking area or yard required in connection with any building for the purpose of complying with this title may be included as part of a lot area, open space, off-street parking area or yard similarly required for any other building or use. F. Property owned by the state or the United States shall not be subject to the regulations of this title." Section 17.30.070(F) Landscaping reads, a. A landscape plan is required to be approved with the project site plan. b. A minimum of 50% of the lot must be open and landscaped. c. A minimum of 10% of the lot shall be provided as a children's playground, such as, a sandbox, open grass area, etc. d. All areas in the front, side, and rear yards that are not developed shall be landscaped, unless a unique natural vegetation or wetlands area is included, subject to approval. e. A minimum landscaped street

buffer area shall be provided at a width of 30 feet. f. Landscaped street buffer area may not include paved surfaces, except for sidewalks, driveways, or trails. g. A minimum of 1 tree shall be planted per 1,000 square feet of required landscaped areas. At least 30% shall be evergreens. h. Landscaping shall include a mix of deciduous and evergreen trees, ground cover, and shrubs. i. Minimum plant sizes shall be as follows: (1) Deciduous trees, 2 inch caliper; (2) Evergreen trees, 7 feet in height; (3) Shrubs, 5 gallon container; (4) Grass or ground cover, 10 foot square area; and (5) Existing trees, native vegetation and rare plants shall be retained wherever possible. j. Maximum height of berms, fences, signs or ground cover within a clear vision sight triangle is 3 feet. k. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner. By definition paved streets are not to be counted in the calculation for open space. In the 3. Landscaping f. the statement is saying that an area cannot be counted twice. If it is required on a Lot for one building, it cannot be counted as lot area, open space, off-street parking area or yard for another building or use. Therefore, if the area is included in a Lot for one building, it cannot be counted as open space for the overall development.

17.04.070 Definitions Open Space - "Open Space" means any area of land or water that (1) is not a part of a residential lot, (2) is devoted to environmental preservation, agricultural production, or outdoor recreation and (3) generally lacks buildings or other structures except for structures that are subordinate to and customarily incidental to the use of the open space. Planned Unit Development (PUD) - "Planned Unit Development" means a development, which permits the clustering of housing units and other creative site development. The council may waive the setback, and individual lot size requirement in favor of "common" open spaces which are part of the development. While more flexible in many respects, PUD's rely strongly on design to convince City officials of their merit. This development doesn't have the minimum amenities required and the City Council should not approve a reduction of open space unless other amenities are offered, such as, a pickleball court, a playground, etc. A bench along the sidewalk is not considered an amenity. This development isn't meeting the open space requirement and Councilmember Rasmussen has brought it to the attention of the developer multiple times. The City also made the developer aware of the survey discrepancy that the developer was counting city property as part of its open space. The survey was wrong and the final plat needs to identify the correct boundaries and correctly align with the City's property. The final plat still has developer's property encroaching on the

City's right of way. There are still numerous errors and omissions on the plat and he is not in favor of approving the plat until it meets Hyrum City Code.

Realtor Jacob Howell said this is the first he has heard about these issues and the survey being wrong.

Councilmember Clawson said he is concerned about the irrigation manhole right next to the sidewalk and would like to see the sidewalk moved. City Ordinance needs to be followed and the minimum open space requirement needs to be met by the developer even if it means the developer has to lose a couple of lots.

Councilmember Rasmussen said the plat was fraudulently submitted to the City. The survey was wrong and it included the City's right-of-way on 300 East as part of the development. The City notified the original developer and spoke with multiple times about the survey being wrong and the original developer still moved ahead with construction. The City worked with the new developer on coming up with a solution while still maintaining the required open space but the suggestions and requirements are not being implemented.

Councilmember Nelson suggested the developer may have to reduce the number of lots if it can't meet the open space requirements. The City can't approve a development that doesn't meet City Code.

Councilmember Rasmussen said he thinks the developer can change the final plat and make adjustments to the lot boundaries to make the proposed development work. However, the developer does need to meet the requirements of the ordinance.

ACTION

Councilmember Rasmussen made a motion to continue the approval of the proposed amendment to the final plat of Harvest Valley Court P.U.D. located at approximately 43 North 300 East to adjust the East Boundary of the Plat to reflect the City right-of-way to a future City Council Meeting after the applicant can submit a final plat that meets all of the conditions of the ordinance and the following corrections: 1. Adjust and provide correct lot lines for lots 19-28; 2. Correct the area of open space C and corrected or modified space delineation and determinations on the plat and adjusted for the easements along 260 East; 3. Update open space site data table information; 4. When the plat is brought back for

City Council approval that there is further discussion with applicants about the continuation of work on the site; and 5. Include amenities such as a pickleball court. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, Nelson, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 25-04 - A RESOLUTION SETTING THE HYRUM CITY DISC GOLF COURSE RENTAL FEE AND DEPOSIT SCHEDULE AND APPROVING THE DISC GOLF COURSE RENTAL AGREEMENT AND CONTRACT.

Mayor Miller said Resolution 25-04 sets the Hyrum City Disc Golf Course Rental Fee and Deposit Schedule and approves the Disc Golf Course Rental Agreement and Contract.

ACTION

Councilmember Adams made a motion to approve a Resolution 25-04 a resolution setting the Hyrum City Disc Golf Course Rental Fee and Deposit Schedule and Approving the Disc Golf Course Rental Agreement and Contract. Councilmember Clawson seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember Nelson voted aye, and Councilmember Rasmussen voted aye. The motion passed.

RESOLUTION 25-05 - A RESOLUTION AMENDING SECTION VI. EMPLOYEE CODE OF CONDUCT OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HYRUM CITY CORPORATION TO ADD ITEM 14. ELECTED OFFICIALS OF HYRUM CITY CAN NOT BE EMPLOYEES OF HYRUM CITY.

Mayor Miller said Resolution 25-05 amends Section VI. Employee Code of Conduct of the Personnel Policies and Procedures Manual for Hyrum City Corporation to add Item 14. Elected Officials of Hyrum City can not be employees of Hyrum City. This resolution will require an employee who is elected to City Office to resign no later than two weeks after the election results have been approved by the Canvassers.

ACTION

Councilmember Clawson made a motion to approve a Resolution 25-05 a resolution amending Section VI. Employee Code of Conduct of the Personnel Policies and Procedures Manual for Hyrum City Corporation to add item 14. Elected Officials of Hyrum City can not be employees of Hyrum City. Councilmember Adams seconded the motion

and Councilmembers Adams voted aye, Clawson voted aye, Nelson voted aye, and Rasmussen voted aye. The motion passed.

RESOLUTION 25-06 - A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED INTERLOCAL AGREEMENT FOR LIBRARY SERVICES WITH NIBLEY CITY.

Library Director Emily Coltrin said she has met with administrators from Nibley City and Wellsville City regarding their Interlocal Agreement for Library Services with Hyrum City. Currently Hyrum City charges Nibley City and Wellsville City an annual fee of \$44 per user family or separate card holder. Cost of living rates and inflation rates have increased costs associated with operating the library at a higher rate than \$1.00 per year as set in the Interlocal Agreement. Hyrum City has continued to fund the library through its General Fund at an annual cost of \$199 per Hyrum City resident library user family and has provided Nibley and Wellsville City residents library service at a much lower annual cost of \$44 per year. Hyrum City has been trying to work with Nibley and Wellsville to find an easier and more efficient way to charge for library services rather than counting users. It was suggested to charge per household rather than counting actual users at a cost of \$25.00 per household with an automatic annual \$1.00 increase per household per year for the first five years, after five years an automatic annual \$.50 increase per household per year.

Councilmember Nelson asked why the monthly fee was set at \$25 per month rather than \$30 per month that the City Council had recommended. He contacted Nibley to discuss how it counted the number of sewer connections since that's how Nibley is going to determine its number of households. If Nibley counts households this way it will not be accurate since multifamily units have only one paid connection per building. There needs to be a more accurate way to determine households so that neighboring communities are paying an accurate count. Hyrum City residents should not be paying more than nonresidents for library service. He would prefer the City increase the monthly rate to at least be what Hyrum citizens are paying.

Library Director Emily Coltrin said when they met with Wellsville and Nibley they said \$30 per household was too much and they wouldn't be able to pay that, so Mayor Miller authorized proposing the monthly fee of \$25.

ACTION Councilmember Clawson made a motion to approve a

Resolution 25-06 a resolution authorizing the execution and delivery of an amended interlocal agreement for library service with Nibley City. Councilmember Adams seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember Nelson voted nay, and Councilmember Rasmussen voted aye. The motion passed.

RESOLUTION 25-07 - A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED INTERLOCAL AGREEMENT FOR LIBRARY SERVICES WITH WELLSVILLE CITY.

ACTION

Councilmember Adams made a motion to approve a Resolution 25-07 a resolution authorizing the execution and delivery of an amended interlocal agreement for library service with Nibley City. Councilmember Rasmussen seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember Nelson voted nay, and Councilmember Rasmussen voted aye. The motion passed.

ORDINANCE 25-03 - AN ORDINANCE AMENDING SECTIONS 17.04.070, AND 17.48.020 OF TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO DEFINE HEALTH CLUBS AND TO ALLOW FOOD SERVICE (BAKERIES, RESTAURANTS, CATERERS, ETC.) AND SERVICE INDUSTRIES (LAUNDRY, CARWASH, BARBERS, CLINICS AND DOCTORS OFFICES, DENTIST, TAILORS, AND OTHER COMPARABLE USES) AS PERMITTED USES AND HEALTH CLUBS AS A CONDITIONAL USE IN THE MANUFACTURING M-1 ZONE.

Mayor Miller said Ordinance 25-03 amends Sections 17.04.070 and 17.48.020 of Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to define health clubs and to allow food service (bakeries, restaurants, caterers, etc.) and service industries (laundry, carwash, barbers, clinics and doctors offices, dentist, tailors, and other comparable uses) as permitted uses and health clubs as a conditional use in the Manufacturing M-1 Zone. On February 13, 2025 the Planning Commission held a public hearing to receive public comment on the proposed amendments. The Planning Commission recommended the City Council amend the ordinance to include these uses.

Heather Godfrey with Sunrise Buildings said she has a building in a Manufacturing M-1 Zone that she would like to open a gym in. She wants to be able to have outdoor use for the gym as well.

Councilmember Rasmussen said a Manufacturing Zone allows business with a higher noise level and he doesn't foresee an issue with allowing a gym to use outdoor space for fitness activities. There have been complaints about pickleball courts, music, and other types of activities in the parks but the parks border residential zones. This is a manufacturing zone and he doesn't see an issue with noise as long as they do not exceed the maximum noise level allowed by ordinance. Carwashes that are mechanical or tunnel facilities should not be a permitted use in a manufacturing zone.

ACTION

Councilmember Rasmussen made a motion to adopt Ordinance 25-03 an ordinance amending Sections 17.04.070 and 17.48.020 of Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to define health clubs and to allow food service (bakeries, restaurants, caterers, etc.) and service industries (laundry, barbers, clinics and doctors offices, dentist, tailors, and other comparable uses) as permitted uses and health clubs as a conditional use in the Manufacturing M-1 Zone and to exclude carwashes that are mechanical or have a tunnel facility from the ordinance. Councilmember Clawson seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember Nelson voted aye, and Councilmember Rasmussen voted aye. The motion passed.

OTHER BUSINESS**CONSIDERATION AND APPOINTMENT OF NOMINATION COMMISSION MEMBERS FOR JUSTICE COURT JUDGE VACANCY.**

Mayor Miller said she is working with the State of Utah Courts to replace Judge Larsen. Applications for the Justice Court Vacancy are being taken through Monday, March 3, 2025. If the State does not receive nine qualified applicants, then it will be extended through March 17. A nominating commission is being organized to review the applicants and make recommendations. Hyrum City needs to appoint two people to serve on that committee. She is recommending Court Clerk Lori Hatch and Citizen Mike Stauffer. Mike Stauffer served on the committee that recommended the hiring of Judge Larsen.

ACTION

Councilmember Rasmussen made a motion to appoint Lori Hatch and Mike Stauffer to the Justice Court Vacancy Nominating Commission. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, Nelson,

and Rasmussen voted aye. The motion passed.

BUDGET REPORT.

Mayor Miller reviewed the 2025-2026 Operating Budgets in detail. All of the departments are staying within their budgets.

MAYOR AND CITY COUNCIL REPORTS.

Mayor Miller reminded the City Council of the Strategic Planning Session Meeting on February 24, 2025 at 8:00 a.m.

Councilmember Nelson said he has spoke with City Nuisance Officer Jeff Hertzler about cars parked on the sides of City streets during winter parking months. Jeff told him that he has a limited amount of time and doesn't go out after 10:00 p.m. He suggested contacting the Cache County Deputy that patrols in the evening and early morning.

Councilmember Clawson said he is working on the Easter Egg Hunt.

Councilmember Rasmussen said Jazz Nights at the Elite Hall was held last week. Thursday night there was a storm so attendance was low but Friday and Saturday night's attendance was great.

ADJOURNMENT:

ACTION **There being no further business before the City Council,
the Council Meeting adjourned at 9:05 p.m.**

ATTEST:

Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: March 6, 2025
As Written