

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 16, 2025 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Pro Temp Paul James

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

EXCUSED: Mayor Miller and Councilmember Steve Adams

CALL TO ORDER: There being three members present and three members representing a quorum, Mayor Pro Temp James called the meeting to order.

OTHERS PRESENT: City Engineer Matt Holmes, Zoning Administrator/City Planner Tony Ekins, Power Superintendent Larry Coleman, and eleven citizens. Deputy Recorder Hailey Brown recorded the minutes.

WELCOME: Mayor Pro Temp James welcomed everyone in attendance and invited audience participation.

PLEDGE OF ALLEGIANCE: Councilmember Rasmussen

INVOCATION: Mayor Pro Temp James

APPROVAL OF MINUTES:

The minutes of a regular meeting on January 2, 2025 were approved as written.

ACTION

Councilmember Clawson made a motion to approve the minutes of a regular meeting held on January 2, 2025 as written. Councilmember Nelson seconded the motion and Councilmembers 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 Clawson made a motion to approve the agenda for January 16, 2025 with the amendment to item 9A to say Trisha Clair. Councilmember Rasmussen seconded the motion and Councilmembers Clawson, Nelson, and Rasmussen voted aye. The motion passed.

9. SCHEDULED DELEGATIONS:
 - A. Trisha Clair - To request use of the Civic Center for a parent meeting and to discuss changing the location of the market from East Park to the City Square.
 - B. Pete and Gretchen Chavira - To discuss amending Hyrum City's Code to allow for storage and/or parking in the City right-of-way.
10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:
 - A. Resolution 25-03 - A resolution amending the Hyrum City Water Rights per Acre Foot of Water Fee in lieu of dedication or water upon approval by the City Council for property annexed into Hyrum City after July 17, 2003.
 - B. Ordinance 25-01 - An ordinance amending the Zoning Map of Hyrum City, Utah by rezoning property from Residential Agricultural (R-A) to 1.86 acres Light Manufacturing (M-1) and .69 acres to Single Family Residential (R-2) (Colter and Shantel Leishman property Tax ID #01-005-0009 located at 165 East 200 North.
 - C. Ordinance 25-02 - An ordinance amending Section 13.16.235 Distribution System Extensions Outside of City Limits of Chapter 13.16 of Title 13 of the Hyrum City Municipal Code to further clarify no electrical extensions or connections will be approved outside City limits unless it is on Hyrum City Property or for Hyrum City Corporation, and/or public or quasi-public infrastructure needs.
11. OTHER BUSINESS:
 - A. Consideration and appointment to the Museum Board.
 - B. Budget Report.
 - C. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC COMMENT:

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

Scott Algood said he has been a Hyrum resident for thirty-two years. Hyrum City is run as a model City especially in the parks department. His request is for the City Council to review city

code on parking in the city right-of-way. His front door to the right-of-way is sixteen feet. He questions if it hurts those to park in the right-of-way. The enforcement of the code is either incompetent or in favor of some. As seen on his walking route and talking to other residents that have parked this way for years, the city has never said anything to some of them. Scott understands that when cars are close to the road during winter with snowplows, the roads get narrow. If the ordinance is kept, he would like to see it be enforced fairly for everyone.

There being no further public comment, Mayor Pro Temp James moved to the next agenda item.

SCHEDULED DELEGATIONS:

TRISHA CLAIR - CACHE VALLEY KIDS MARKET - TO REQUEST USE OF THE CIVIC CENTER FOR A PARENT MEETING AND TO DISCUSS CHANGING THE LOCATION OF THE MARKET FROM EAST PARK TO THE CITY SQUARE.

Trisha Clair and president of the market Amanda Butler were there for discussion. They hold a parent meeting once a year to explain policies and procedures. They requested use of the Civic Center at the end of April for about two hours. The Cache Valley Kids Market is a non-profit and asked if this could be a donation from Hyrum City.

Councilmember Clawson said they should be good to use the Civic Center if they clean up the building.

Councilmember Rasmussen asked how many people will be in attendance.

Amanda Butler said there will be approximately 50-60 people.

Councilmember James said it may be better to call the office and schedule to use the Council Room if the space would work for them.

Amanda Butler said the current location for the market in the Hyrum Rodeo Grounds parking lot has worked well. They have approximately 500 participants. Consistent feedback they are receiving is that there is no shade and it's a cement parking lot. They would like to look into using the City Square to hold the market.

Trisha Clair said they range from twenty-forty vendors every Saturday in which the market runs from 9 a.m.-12 p.m.

Councilmember Rasmussen said the market would conflict with the Museums Hot Wheels event and would need to rearrange their event. Rasmussen also asked if the vendors carry their stuff in as there would be no driving on the City Square.

Councilmember Clawson said the Civic Center may be rented on Saturdays and that could conflict with parking.

Trisha Clair said they would have customers park on Main Street and vendors park on the East side of the City Square.

Councilmember Clawson the space would have to be coordinated when there are events at the City Square.

ACTION

Councilmember Clawson made a motion to approve Trisha Clair - Cache Valley Kids Market to use the City Council Room for their parent meeting at no charge and coordinate with the City Office on moving the market location from East Park to the City Square. Councilmember Rasmussen seconded the motion and Councilmembers Clawson, Nelson, and Rasmussen voted aye. The motion passed.

PETE AND GRETCHEN CHAVIREZ - TO DISCUSS AMENDING HYRUM CITY'S CODE TO ALLOW FOR STORAGE AND/OR PARKING IN THE CITY RIGHT-OF-WAY.

Pete Chavira said section C was accidentally put on the city codebook and then removed. He is requesting that section C be added to the city codebook as it allows for enforcement of issues associated with parking. It seems unfair to say that everybody has to move rather than just those causing issues.

Gretchen Chavira said they do not live in a neighborhood with curb and gutter. The road to their home is thirty-nine feet.

Pete Chavira said he has noticed that residents have moved their items back but still not out of the easement.

Gretchen Chavira said speaking with Community Improvement Jeff Hertzler it is fine to be partially on the easement. She believes there could be a better agreement made with the City and community regarding parking.

Councilmember Nelson said he spoke with Hyrum City personnel over the streets. It was said that when vehicles are in the right-of-way and a snowplow comes by the vehicles are showered with sanding gravel causing some people to want the city to repaint their cars.

Nelson said it becomes a safety issue having vehicles parked in the right-of-way and narrowing the roads due to snowplowing. The right-of-way is owned by the citizens and purchased by the city. Nelson said the city needs to be kept clean and safe through the city code and he has received many comments on how nice the city looks.

Councilmember Rasmussen said this item has been code for a while but hasn't been enforced.

Councilmember Nelson said this issue isn't a new ordinance that was created. It was created in the past by other councilmembers that knew it needed to be Hyrum City code.

Pete Chavira said he agrees that it's a great idea to not have cars parked so close to the roadway.

Gretchen Chavira said they are required to maintain the right-of-way area.

Pete Chavira said they had trees come down in the right-of-way that they had to pay to take down and remove.

Councilmember James said action cannot be made tonight but the City Council will discuss other options in the city workshop. If anybody has other options, please reach out to the Mayor and discuss those with her. The Council understands your concerns that have been raised.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 25-03 - A RESOLUTION AMENDING THE HYRUM CITY WATER RIGHTS PER ACRE FOOT OF WATER FEE IN LIEU OF DEDICATION OF WATER UPON APPROVAL BY THE CITY COUNCIL FOR PROPERTY ANNEXED INTO HYRUM CITY AFTER JULY 17, 2003.

Councilmember Rasmussen said he has researched water share prices and supports the resolution.

Councilmember James said when water rights were purchased it gave the city the right to pump water at \$3,500 an acre foot which he agrees needs to be raised to \$7,000 an acre foot.

ACTION

Councilmember Rasmussen made a motion to approve Resolution 25-03 - A resolution amending the Hyrum City Water Rights per Acre Foot of Water Fee in lieu of

dedication of water upon approval by the City Council for property annexed into Hyrum City after July 17, 2003. Councilmember Clawson seconded the motion and Councilmembers Clawson, Nelson, and Rasmussen voted aye. The motion passed.

Councilmember Nelson said as future growth is discussed the Council needs to focus on the areas of growth as that limits where the city would run out of water. Water right requests need to come to the City Council rather than going to the City Office to be purchased.

Councilmember Rasmussen said it is an issue that the state has taken subdivision approvals away from the City Council where those water rights would be discussed.

Councilmember Clawson said the city needs to put a hold on water until it is determined how much water is left from the original purchase. All the current subdivisions in the planning stages have already purchased water, until the water plan is changed. Clawson said it is important to consider looking around the South end of the valley where water is being pulled from. He believes \$7,000 is fair market value for water shares. No further water should be sold until there is a better plan of where it should be going. The city will accept water from several sources such as Wellsville, Highline Canal, etc. and then see what is left over before selling more.

ORDINANCE 25-01 - AN ORDINANCE AMENDING THE ZONING MAP OF HYRUM CITY, UTAH BYREZONING PROPERTY FROM RESIDENTIAL AGRICULTURAL (R-A) TO 1.86 ACRES LIGHT MANUFACTURING (M-1) AND .69 ACRES TO SINGLE FAMILY RESIDENTIAL (R-2) (COLTER AND SHANTEL LEISHMAN PROPERTY TAX ID #01-005-0009 LOCATED AT APPROXIMATELY 165 EAST 200 NORTH.

Colter Leishman said the plat shows what is existing that he owns. R-2 is zoned across the street from where his proposed R-2 is located.

Councilmember Clawson asked why the lots aren't being taken across the frontage.

Councilmember James asked if Colter Leishman would be creating three lots.

Councilmember Rasmussen said reading through the Planning Commission minutes, many of the planning members had some concerns.

The Planning Commission recommended approval, but Rasmussen understood two members voted for approval because the existing property is well maintained, and he doesn't think that is good enough reason for approval. With all the gravel operations happening, the ditch is looking well. If the property is rezoned as proposed, it allows anything that is allowed in the M-1 zone and there is no guarantee that Colter will own the property in the future to stick to what it currently is. The space on 200 East is potentially for commercial, which would run from Paradise to Nibley. Rasmussen doesn't think ninety feet is viable for commercial around the three residential lots. Rasmussen doesn't like having business access between the house to the West and the three created lots as that isn't good for a neighborhood. The flood plain is very narrow on the East side of the ditch and drops off four feet close to the ditch but is generally flat. He would feel better about the rezone if the lots shifted West with business access on the South side.

Colter Leishman said he would be good moving the lots West or adding another lot where that space is.

Councilmember Rasmussen said the other Planning Commission concern is the buffer as it is zoned R-A with the same frontage and deeper widths. He would like to maintain the buffer keeping the same frontage width. Commissioner Brian Carver said if the manufacturing area was developed there would need to be a landscape buffer on the perimeter. If kept as R-A the owners would build the buffer into their backyard.

City Engineer Matt Holmes said the industrial code states there must be a lightproof fence. Commercial code states needing a buffer.

Councilmember James said the general plan talks about maintaining R-A between manufacturing and commercial zones.

Councilmember Nelson thought a rezone came in last fall and they were told the city is working on the general plan. He thought the City Council had discussed no rezones until the general plan was done.

Councilmember James said the City Council is not accepting annexations until the master plan is done.

Councilmember Clawson asked Colter Leishman if the rezone is accepted, if Colter would be storing more gravel around the

building lots.

Councilmember Rasmussen said the Planning Commission talked about a new building to go on the lot.

Colter Leishman said where the old building is currently by the lots, he looked at replacing that building.

Councilmember Rasmussen said he would want the lots moved West or add fourth lot in that gap. If the three lots were created, there would be potential for a commercial pad on 200 East in the future with a buffer.

City Engineer Matt Holmes said the subdivision ordinance only allows a parcel to be made into three lots. For lot separation there must not be separation for three years on a mini sub or five years on a full subdivision.

ACTION

Councilmember Rasmussen made a motion to table Ordinance 25-01 - An Ordinance amending the Zoning Map of Hyrum City, Utah by rezoning property from Residential Agricultural (R-A) to 1.86 acres Light Manufacturing (M-1) and .69 acres to Single Family Residential (R-2) (Colter and Shantel Leishman property tax id #01-005-0009 located at approximately 165 East 200 North in order to modify the rezone request. Councilmember Clawson seconded the motion and Councilmembers Clawson, Nelson, and Rasmussen voted aye. The motion passed.

Councilmember Nelson asked why Colter Leishman wouldn't make the whole street residential.

Councilmember James said Colter Leishman wants to go through the mini subdivision process which allows for three lots or less.

ORDINANCE 25-02 - AN ORDINANCE AMENDING SECTION 13.16.235 DISTRIBUTION SYSTEM EXTENSIONS OUTSIDE OF CITY LIMITS OF CHAPTER 13.16 OF TITLE 13 OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER CLARIFY NO ELECTRICAL EXTENSIONS OR CONNECTIONS WILL BE APPROVED OUTSIDE CITY LIMITS UNLESS IF IS ON HYRUM CITY PROPERTY OR FOR HYRUM CITY CORPORATION, AND/OR PUBLIC OR QUASI-PUBLIC INFRASTRUCTURE NEEDS.

Power Superintendent Larry Coleman said this concern was addressed as stated in the resolution that there are possibilities for

connections. Given the fact that Rocky Mountain Power is the serving entity in that area, Hyrum City has been given permission from the entity to serve those people. In the resolution, it states approval will be given by the City for work to be done in that area. Larry wanted to clarify if it is the City Council or Power Superintendent who gives that approval. He is good with how it's currently written but needed clarification on who gives approval.

Councilmember Rasmussen viewed the Utah State Code in regard to utility services. Section 10-8-14 states a municipality may construct, maintain, and operate electric lightwork, may sell and deliver surplus of any work or systems listed in 2A except the sale and delivery of retail electricity beyond municipalities. This code was last updated 2023. There are three exceptions allowing you to sell electricity outside your city boundary. Exception one is if the municipality was selling electricity before June 2013 with a written agreement in place that the serving entity will take it over. Rasmussen is unsure if Hyrum City has a written agreement. The second exception is the municipality may submit a request to Rocky Mountain Power to provide service to customers if they agree to allow the work. There is a document that must be reviewed by the public service commission. The third exception is the municipality may provide service outside boundaries if the municipality has property in the area but cannot use to keep attaching to other customers. In context of state laws, Rasmussen doesn't think Hyrum City wants to pursue continuation of expansion outside of city limits. If customers continue to be added, the lines would need to be evaluated for an upgrade and Rasmussen would want to see an investment of return.

Power Superintendent Larry Coleman was trying to clarify with the city recorder as there have been numerous requests.

Councilmember Rasmussen said ordinance this still doesn't clarify who approves the requests.

Power Superintendent Larry Coleman said the City Council would need to state the approval as they would like it to be.

ACTION

Councilmember Nelson made a motion to approve Ordinance 25-02 - An Ordinance amending Section 13.16.235 Distribution System Extensions Outside of City Limits of Chapter 13.16 of Title 13 of the Hyrum City Municipal Code to further clarify no electrical extensions or connections will be approved outside City limits unless it is on Hyrum City property of for Hyrum

City Corporation, and/or public or quasi-public infrastructure to add at the end of the sentence 'and any requests need to be approved by the Hyrum City Council'. Councilmember Rasmussen seconded the motion and Councilmembers Clawson, Nelson, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS

CONSIDERATION AND APPOINTMENT TO THE MUSEUM BOARD.

Councilmember Rasmussen said the museum is currently down to three board members. One member left due to work commitments, and another did not renew their term after twelve years. Rasmussen is recommending consideration and appointment of Sue Watts to the museum board.

ACTION

Councilmember Rasmussen made a motion to appoint Sue Watts to the Museum Board. Councilmember Clawson seconded the motion and Councilmembers Clawson, Nelson, and Rasmussen voted aye. The motion passed.

BUDGET REPORT.

There being no discussion by Councilmembers on the budget report, Mayor Pro Temp Paul James moved to the next item.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Rasmussen thanked the Council for confirmation of the new board member. Museum Director Jami Van Huss will be on the next City Council agenda to present the 2024 report. Kim Faulkner will be the Museum Board president with Steve Downs as the vice chair. Visiting with Mayor Miller she had asked if the museum had considered a RAPZ application. The last cycle Libby Springs Park was awarded the bid, and it was mentioned possibly moving the funds to another project if needed. Rasmussen mentioned to Museum Director Jami Van Huss and Jami let him know there is a possible donor that may give funds for the Elite Hall annex. If the RAPZ funds and donor funding are available there will be a good opportunity to get the annex project funded. Rasmussen asked City Engineer Matt Holmes what happened with the amended plat for Harvest Valley Court.

City Engineer Matt Holmes said the city is still waiting for a few signatures.

Councilmember Rasmussen believes Harvest Valley Court needs to come back to the City Council with amendments. He is favorable toward Harvest Valley Court with changes to take the East side back to the right-of-way line. There is non-compliance with the ordinance regarding green space. It was just barely being met so if they didn't lose a lot then setbacks were reduced causing the plans to not meet the green space requirement which impacts the boundary of the subdivision. Several things in the state code require the item to come back to the City Council; 1. Looking at final plat approval and construction drawings it should be addressed in more places than one in our ordinance. 2. The developer and the city are subject to state requirements with all fees paid and engineering drawings approved by the City Council before recording the approved plat. It is interpreted that all those things need to be done for final plat approval. A situation has come up with Matt Nielsen's subdivision with dedication to water shares. The final plat and construction drawings were approved then construction started which shouldn't have until there was an approved letter of surety.

City Engineer Matt Holmes said they were submitting a surety to get the plat recorded.

Councilmember Rasmussen said they shouldn't have started construction without approval. There are some inconsistencies with clarification on plat approvals that need to be reviewed.

Councilmember Nelson has been participating in monthly emergency classes. The Cache County emergency response team had a meeting last night discussing emergency practices. There aren't good responses when practice isn't done as people get in a high stress situation and don't know what to do. They were going to hold mock emergency classes in the spring. Hyrum Cities emergency plan is complete with the totes that went out to neighborhood command centers that included first aid kits, lights, vests, and information packets to execute an emergency plan. Nelson would like to find a time to present the totes to the City Council.

Councilmember Clawson said the Little Bear distribution meeting will be held January 22nd at 3:00 p.m. to discuss distribution for the entire South end of the valley.

Mayor Pro Temp James was thankful that the youth sports registration had been opened.

ADJOURNMENT:

ACTION **There being no further business before the City Council, the Council Meeting adjourned at 8:01 p.m.**

ATTEST:

Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: February 6, 2025
As Written