

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD NOVEMBER 19, 2020, HELD ELECTRONICALLY THROUGH ZOOM VIDEO COMMUNICATIONS THE MEETING ID: 874-7713-2605 PASSWORD: 807542. HYRUM CITY HELD THIS MEETING ELECTRONICALLY IN COMPLIANCE WITH UTAH GOVERNOR GARY HERBERT'S EXECUTIVE ORDER TO SUSPEND THE ENFORCEMENT OF PROVISIONS OF UTAH CODE 52-4-207, AND RELATED STATE AGENCY ORDERS, RULES AND REGULATIONS, DUE TO INFECTIOUS DISEASE COVID-19 NOVEL CORONAVIRUS.

ANY MEMBER OF THE PUBLIC HAD THE OPPORTUNITY TO REMOTELY OBSERVE THE MEETING OR COMMENT DURING THE PUBLIC HEARING ELECTRONICALLY THROUGH ZOOM VIDEO COMMUNICATIONS WITH THE FOLLOWING LINK: <https://us02web.zoom.us/j/87477132605?pwd=d3JFT2FaVjJXWGlid2h0czFYTmhvdz09>

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Jared C. Clawson, Paul C. James, Vicky McCombs, and Craig L. Rasmussen.

EXCUSED: Councilmember Steve Adams

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

OTHERS PRESENT: City Administrator Ron Salvesen, Zoning Administrator Matt Holmes, Secretary Hailey Maughan, and 19 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

APPROVAL OF MINUTES:

The minutes of November 5, 2020 were approved as written.

ACTION

Councilmember Rasmussen made a motion to approve the minutes of a regular meeting held on November 5, 2020 as written. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, McCombs, 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 McCombs made a motion to approve the agenda for the regular scheduled meeting on November 19, 2020 as written. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

8. SCHEDULED DELEGATIONS

- A. Dan Larsen, Kartchner Homes - To request final plat approval for Elk Mountain PUD Phase 13 located at 1150 East to 1280 East and 425 South to 500 South consisting of 19 single family lots and Phase 14 located at 1280 East to 1330 East and 425 South to 500 South consisting of 17 single family lots.
- B. Rod and Jake Thompson, Cobble Creek Townhomes - To present an update on Cobble Creek Townhomes at 285 North 800 East and to request occupancy permits.

9. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

- A. Resolution 20-14 - A resolution declaring certain Hyrum City equipment as surplus and ordering the sale or disposal thereof.
- B. Resolution 20-15 - A resolution authorizing and appointing Judge Lee Edwards to serve as Judge Pro Tempore.
- C. Resolution 20-16 - A resolution providing for the imposition of an Emergency Medical Services (EMS) Monthly Fee.
- D. Ordinance 20-05 - An ordinance amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (Mountain View Annexation).

10. OTHER BUSINESS

- A. Discussion on Lewis Annexation Agreement.
- B. Update on Electric Department projects.
- C. Consideration and approval of the Moderate Income Housing Plan.
- D. Mayor and City Council reports.

11. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller said if a citizen has a question or would like to

make a comment to please keep it under three minutes.

Taft Barrington said he would like to discuss the Lewis Annexation and the proposed road on 6200 South 300 East. He asked the City Council to consider relocating it to another location. He built his home on a country road (300 East) and he may have lights coming into all night because of a proposed road on 6200 South with an access onto 300 East. He hopes the City will consider his property rights also when considering this annexation with a proposed road on 6200 South.

Steve Miller said he also lives on 300 East and he too is concerned about the road being proposed on 6200 South. 300 East is a small road, and he is concerned about additional traffic on it. He suggested the City Council not allow an access on 300 East and just keep the access at 6600 South and put in an access at 600 South.

Mayor Miller said the property that fronts 600 South on 300 East is owned by Larry Gittins and he has told the City he does not want a road to go through his property. The City does not want to force a road through anyone's property. If that property is ever developed, then a road would be required to connect 300 East and Rolling Hills Subdivision.

Councilmember Rasmussen said 6600 South is already platted and developed which would make it extremely difficult to get an additional right-of-way from the property owners that front 6600 South. Cache County did not plan for the road to be a collector road when the majority of the homes that front it were built. Hyrum City must plan for future growth and future transportation needs. The Gittins property on 600 South would provide a connection but it is not ideal for a residential collector road. The 600 South road is developed to Highway 165 and that road is not wide enough to be considered a collector road.

Michael Nielsen said he lives on 300 East and is not in favor of the proposed road on 6200 South. The road would make his house and the property it sits on a corner lot and would provide him no privacy. He has spoken to Farrell Petersen who is the property owner east of Lewis's and Farrell said he will never develop his property and he will not give the City an easement to connect 6200 South onto Highway 165. His farm is in an agricultural protection zone and he does not want to develop it. Lewis' should have to build a road on their property and not rely on other property owners to provide them an access. At the last City Council Meeting

the City Council said it wanted a master plan study conducted on future roads. He asked if that had been done. The City and County are trying to push traffic onto Highway 165 and he hopes they will send traffic east rather than allowing an access onto 300 East.

Christine Nielsen said she lives on 300 East and she hopes the City Council will preserve the quality of life for the existing residents. This development will have a negative affect on their property value and privacy. There is no need for a road on 6200 South if Farrell Petersen will not develop his land. The road would just end there. She would prefer the location of the 6200 South road be adjusted or repositioned to where there are currently unoccupied lots.

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

SCHEDULED DELEGATIONS:

DAN LARSEN, KARTCHNER HOMES - TO REQUEST FINAL PLAT APPROVAL FOR ELK MOUNTAIN PUD PHASE 13 LOCATED AT 1150 EAST TO 1280 EAST AND 425 SOUTH TO 500 SOUTH CONSISTING OF 19 SINGLE FAMILY LOTS AND PHASE 14 LOCATED AT 1280 EAST TO 1330 EAST AND 425 SOUTH TO 500 SOUTH CONSISTING OF 17 SINGLE FAMILY LOTS.

Mayor Miller said City Staff is recommending approval of Elk Mountain PUD Phase 13 located at 1150 East to 1280 East and 425 South to 500 South consisting of 19 single family lots and Phase 14 located at 1280 East to 1330 East and 425 South to 500 South consisting of 17 single family lots.

Dan Larsen was not in attendance.

ACTION

Councilmember James made a motion to approve the final plat for Elk Mountain PUD Phase 13 located at 1150 East to 1280 East and 425 South to 500 South consisting of 19 single family lots and Phase 14 located at 1280 East to 1330 East and 425 South to 500 South consisting of 17 single family lots with the following conditions: Phase 13 - 1. Plat Title be changed to Elk Mountain P.U.D., Phase 13; 2. Lot 317 address on 480 South be changed to match 1255 numbering standards; 3. City Council acceptance block to add "ATTEST" line for City Recorder; 4. Legend needs to show street monument symbol; 5. Street monuments be shown on plat;[SF1] and on Phase 14 - 1. Plat Title be changed to Elk Mountain P.U.D., Phase 14; 2.

Lot 320 address on 480 South be changed to 1265 to eliminate double address; 3. City Council acceptance block to add "ATTEST" line for City Recorder; 4. Legend needs to show street monument symbol; 5. Street monuments be shown on plat;^[SF2] 6. Bearing and distance data at east end of 480 South needs to be fixed; and 7. Easement line type in drawing be changed to meet legend. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

ROD AND JAKE THOMPSON, COBBLE CREEK TOWNHOMES - TO PRESENT AN UPDATE ON COBBLE CREEK TOWNHOMES AT 285 NORTH 800 EAST AND TO REQUEST OCCUPANCY PERMITS.

Jake Thompson said he wanted to update the City Council on Cobble Creek Townhomes at 285 North 800 East and request occupancy permits. He went with Zoning Administrator Matt Holmes today for a walk through on the jobsite. The exterior is finished on seven units, and the concrete and asphalt has been installed. The landscaping still needs to be done but should not prohibit him from getting occupancy permits. There is a slope on the east property line that will need a retaining wall so he will have a temporary chainlink fence installed that will be replaced in the spring. With the fence anchored it should provide safety to the residents that live in that building until warmer weather allows for a retaining wall to be built.

Councilmember James asked if the street lighting was finished. He said he is concerned about safety issues with a temporary fence due to the slope.

Jake Thompson said the street light posts are ordered but installation of the street lights is the responsibility of Hyrum City's Electrical Department. The chainlink fence should be sufficient until spring.

Councilmember Rasmussen said before occupancy permits are given the work should be completed. The chainlink is different than what was approved on the final plat.

Jake Thompson said due to winter weather he was unable to put in a terrace wall as required but he will do it in the spring.

Councilmember Rasmussen said the Building Inspectors should be inspecting the site for safety issues. However, there were many

issues that went on for years after occupancy permits had been issued in Green Meadow Villas and Jake was the contractor and he never resolved those issues in a timely manner. He is concerned that if occupancy permits are given for Cobble Creek Townhomes that the required improvements will not be made.

Jake Thompson said at the final walk through he will ensure all of the units are complete. He will make sure there is a walk through done with the buyer and have any issues resolved before closing.

Mayor Miller told Jake Thompson the City appreciates the updates. Occupancy permits will be issued upon Cache County and Hyrum City's approval that the buildings are complete and meet occupancy requirements.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 20-14 - A RESOLUTION DECLARING CERTAIN HYRUM CITY EQUIPMENT AS SURPLUS AND ORDERING THE SALE OR DISPOSAL THEREOF.

Mayor Miller said Resolution 20-14 is a resolution declaring certain Hyrum City equipment as surplus and ordering the sale or disposal there of. There is chainlink fencing material, fuel tank, lawnmowers, chainsaws, chairs, and a snowblower.

ACTION

Councilmember James made a motion to approve Resolution 20-14 declaring certain Hyrum City equipment as surplus and ordering the sale or disposal thereof. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

RESOLUTION 20-15 - A RESOLUTION AUTHORIZING AND APPOINTING JUDGE LEE EDWARDS TO SERVE AS JUDGE PRO TEMPORE.

Mayor Miller said Resolution 20-15 is a resolution authorizing and appointing Judge Lee Edwards to serve ad Judge Pro Tempore. Judge

ACTION

Councilmember Clawson made a motion to approve Resolution 20-15 authorizing and appointing Judge Lee Edwards to serve as Judge Pro Tempore. Councilmember Rasmussen seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

RESOLUTION 20-16 - A RESOLUTION PROVIDING FOR THE IMPOSITION OF AN

EMERGENCY MEDICAL SERVICES (EMS) MONTHLY FEE.

Mayor Miller said Resolution 20-16 will impose an Emergency Medical Services (EMS) Monthly fee. The proposed fee is \$4.00 a month per residential household with an automatic rate increase of 3% a year; and a \$4.00 monthly fee for all businesses with the exception of JBS which will be \$228 per month, and Blacksmith Fork Assisted Living Center which will be \$492 per month with an automatic rate increase of 3% a year.

Councilmember Rasmussen said he doesn't agree with automatic rate increases. Rate increases should be evaluated and reviewed to ensure the increase is necessary or if the increase needs to be greater.

Mayor Miller said the contract with Cache County for EMS Services has an automatic rate increase of 3% a year for the next two years. Hyrum City is only proposing the same rate increase as the contract.

ACTION

Councilmember Clawson made a motion to approve Resolution 20-16 a resolution providing for the imposition of an Emergency Medical Services (EMS) monthly fee. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

ORDINANCE 20-05 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (MOUNTAIN VIEW ANNEXATION).

Mayor Miller said Ordinance 20-05 will amend the Municipal Zoning Map and Annex certain real property and extend the Corporate Limits of Hyrum City, Utah (Mountain View Annexation). Hyrum City held the Public Hearing at its last City Council Meeting on November 5, 2020. Adoption of this ordinance is the final step for annexation.

Jamie Olsen said she is the annexation petition sponsor and she would like further clarification on some items in the annexation agreement. She is concerned why the City wants a road dedication of 60' along 1300 South (6800 South).

Councilmember Rasmussen said this is similar to the Lewis Annexation that the City is working on right now. The City needs to update its Transportation Master Plan so that the City can plan for future growth. The plan needs to reflect the City's, County's,

and UDOT's traffic plan for this area. These roads need to be planned for before development occurs. He has drafted a Transportation Master Plan taking into consideration where UDOT will allow access and plans for traffic lights; Cache County's traffic plan; and growth in Paradise, Avon, and this area in Hyrum. He would like to have a 66 foot right-of-way along 1300 South not a 60 foot right-of-way.

Jamie Olsen said she is greatly concerned about a 66 foot right-of-way because the additional 3 feet will put the right-of-way almost to her mother-in-law's front door.

Councilmember Rasmussen said the City has to plan and provide for future growth and a larger road will be necessary to handle traffic demands in that area.

City Recorder Stephanie Fricke said the petitioner is requesting the Commercial C-1 zone for parcel #01-080-005 consisting of .75 acres that has a house and auto shop located on it.

Jamie Olsen said the Commercial C-1 Zone would ensure the auto repair shop could continue to be used and also allows the residential dwelling.

Councilmember Rasmussen said he would prefer the property be brought in as Residential R-3 with the other parcels of property. He wouldn't be in favor of zoning it commercial since there would be residential on all sides.

Jamie Olsen said it is important that the business remain and that if the owner's decide to sale the property that the auto repair shop could still be used as a business.

City Council and Staff discussed zoning the property Residential R-3 and allow the auto repair shop as a nonconforming use "grandfathering" so it could continue to be used. Hyrum City could consider uses that are in the Manufacturing M-1 zone and determine what uses would be acceptable in a Residential R-3 Zone. These uses could be listed as nonconforming uses in the annexation agreement.

Jamie Olsen asked if the City would allow them to be reimbursed for extension of the culinary water line along 6800 South when future connections are made

City Administrator Ron Salvesen said the City could put language

in the annexation agreement that would provide for reimbursement when a connection was made to the 6800 South line extension. It could be simple and not as detailed as a true pioneering agreement.

The City Council agreed that language be added to the annexation agreement allowing for a portion of the 6800 South water line extension costs to be reimbursed upon connection.

ACTION

Councilmember James made a motion to table Ordinance 20-05 amending the Municipal Zoning Map and Annexing certain real property and extend the Corporate Limits of Hyrum City, Utah (Mountain View Annexation) until the proposed corrections could be made to the annexation agreement. Councilmember McCombs seconded the motion and Councilmembers Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**DISCUSSION ON LEWIS ANNEXATION AGREEMENT.**

Mayor Miller said before the City Council considers the Lewis Annexation Agreement, she wants it understood that she is against allowing the 6200 South road to access 300 East. Hyrum City has a responsibility to its current residents. The residents on 300 East are adamantly opposed to the intersection and she agrees that 300 East should remain a small country road where people can get outside and exercise without excessive traffic.

Councilmember Rasmussen said at the last City Council Meeting staff was instructed to develop a Road Transportation Master Plan that meets the City, County, and UDOTS needs. Then bring it back to the City Council for its consideration so the City Council can make an informed decision on road locations. The information provided by City Staff was not sufficient, so he drafted an Transportation Master Plan as a place to start to help plan for future growth. He understands the residents on 300 East do not favor increased traffic, however, 300 East is the only road other than Highway 165 for traffic to go North from Paradise and Avon. In his Master Plan he is proposing a road on 500 East that would go north and south between 6200 South and 7000 South this would help alleviate some traffic on 300 East. However, the City has a responsibility to plan for future growth including roads. Once development occurs it is nearly impossible to get the necessary rights-of-way to enlarge the road if it isn't required at the time of development. Roads are vital to a City and proper planning is

important to ensure that traffic is being directed where it needs to go and to designate roads as what type of road it will be. UDOT has said the next light after the light on 300 South will be at 6200 South. It is critical the City plans for development to use 6200 South as a main road to get to Highway 165. This road will be crucial in keeping traffic out of neighborhoods. He feels like it would be short sighted of the City to not have 6200 South be accessed by 300 East.

Mayor Miller said she doesn't have a problem with the Lewis property frontage on 300 East being developed into one acre lots, but the property east of the frontage lots will have to have a road to access Highway 165 and 6200 South is not an option. Lewis will have to provide an access if they want to develop the property east of the frontage lots on 300 East. It is not the City's responsibility to provide them a road.

Councilmember Rasmussen said he understands Mayor Miller's perspective, but he has a different one. If the City annexes this property it is not the Lewis' responsibility to provide an access it should be the City's. Lewis' have no control over other people's property, and they have property that fronts a City street on 300 East for a road. It is in the best interest of the City to determine its transportation needs then dictate where the roads will go. The City Council has a responsibility to do what is best for the City long term. The City needs to be a have a long-range Transportation Plan in place before further development occurs. Road projects need to be looked at through a plan and designate where those roads should be placed. Then the City is in the driver seat as to where the roads should be rather than a landowner. He understands the residents out there do not want growth or the view changed. He did not want a home across the street from him, but he couldn't afford to buy the lot. It isn't fair to a property owner to not allow development so that everyone else can have a view over the property owner's farm. If they don't want a neighbor or a road across the street, then they should probably buy the property.

Mayor Miller said the annexation can move forward if the Lewis' understand there will not be a road built on 6200 South that accesses 300 East; and that they will have to provide a road to access any development that takes place west of the frontage lots. Once Rolling Hills has a stubbed road to 6200 South the Lewis' could use the stub for an access, but State Fire Laws would only allow 25 homes and then Lewis' will have to provide a second access.

Emily Culp said if there is no access on 300 East how will they be able to develop the back of their property. She asked if they could provide a temporary access on 300 East south of 6200 South.

Councilmember Clawson said if the City doesn't allow a road on 6200 South that accesses 300 East he wants a utility easement for a drainage pipe from the irrigation pond.

UPDATE ON ELECTRIC DEPARTMENT PROJECTS.

City Electric Department Superintendent Matt Draper said the Electric Department has been busy making necessary improvements to transmission lines. He then proceeded to update the City Council on numerous projects the Electric Department is working on and its plans for the future. He told the City Council he wants to purchase a bore machine that could be used by all departments. He has two employees that have operated bore machines before and it would be beneficial to the City.

Councilmember James suggested sharing the bore machine with another City to help reduce costs.

Electric Department Superintendent Matt Draper said it is difficult to share equipment with another City for several reasons. The two biggest reasons are: 1. Usually both cities need the equipment at the same time; and 2. One City will maintain it well and the other City will not. He then explained that at the next City Council Meeting there will be a Resolution authorizing the Steel Solar Project Transaction Schedule under the Master Firm Power Supply Agreement with Utah Associated Municipal Power Systems; and related matters. He would also like to discuss Electric Impact Fees.

Mayor Miller thanked Electric Department Superintendent Matt Draper for his and his departments commitment and dedication to the City.

CONSIDERATION AND APPROVAL OF THE MODERATE INCOME HOUSING PLAN.

City Administrator Ron Salvesen said the Moderate Income Housing Plan has to be updated and submitted to the State annually.

ACTION

Councilmember Rasmussen made a motion to approve the Moderate Income Housing Plan. Councilmember Clawson seconded the motion and Councilmembers Clawson, James,

McCombs, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Mayor Miller said she has decided to postpone the Hyrum City Employee Christmas Party until COVID numbers are lower.

Councilmember James said the lighting ceremony is cancelled due to COVID and the Governor's mandate and he is proposing we hold a Christmas Lighting Contest and give a prize for the best decorated house.

Councilmember Clawson said the Library's circulation numbers and participants in the Summer Reading Program were down due to COVID, but they were still pretty busy.

Councilmember McCombs said she is still providing carry out lunches to the seniors. She is trying to come up with activities for the seniors that maintain social distancing but still allows them to have some contact with others.

Councilmember Rasmussen said the Historic Preservation Commission is looking at historical homes in Hyrum. The Museum is busy preparing for the Smithsonian Exhibit that will be coming to the museum this next year.

City Administrator Ron Salvesen said he would like the building a park reservations for 2021 postponed until at least April when hopefully the COVID numbers will be reduced. The City Council agreed to not allow building and park reservations for 2021 on January 4, 2021.

ADJOURNMENT:

ACTION

There being no further business before the City Council, the Council Meeting adjourned at 9:30 p.m.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: December 3, 2020
As Written