

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 18, 2024 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, Paul James, Michael Nelson, and Craig L. Rasmussen.

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

**OTHERS PRESENT:** Power Superintendent Tom Cooper, Water Reclamation Superintendent Angela Pritchett, City Engineer Matt Holmes, and 12 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Councilmember Adams

**INVOCATION:** Mayor Miller

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on January 4, 2024 were approved as written.

**ACTION** Councilmember James made a motion to approve the minutes of a regular meeting held on January 4, 2024 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, 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 18, 2024 as published. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The

**motion passed.**

8. PUBLIC COMMENT
9. SCHEDULED DELEGATIONS
  - A. Gordon Jessop - To discuss snow removal and creating a buffer zone for snow placement between road and sidewalk at 775 West 150 North.
  - B. Principal Denise Mouritsen, Mountain Crest High School - To request Site Plan Approval for a new indoor training facility at 255 South 800 East.
  - C. Tracy Payes - To request a Home Occupation Business License for Sparks and Splinters Custom Fabrication at 452 East 300 South.
  - D. Nate Barnhill - To request Site Plan Approval for an equipment rental facility located at 280 North 800 East.
  - E. Wastewater Reclamation & Collection Superintendent Angela Pritchett - To present the results of the SL Rat Study.
10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES
  - A. Ordinance 24-01 - An ordinance repealing and reenacting Title 16 the Subdivision Ordinance of the Hyrum City Municipal Code.
11. OTHER BUSINESS
  - A. Consideration and award of bid for asbestos abatement.
  - 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.

Scott Casas said he was concerned about the site plan for an equipment rental facility located at 280 North 800 East that is being discussed tonight. The site plan does not show enough street trees are required by Hyrum City's code. He would like to City Code to be followed and require street trees to be planted and also the requirement of two trees per 1,000 square feet which would mean the property owner would need to plant at least 26 trees on the property.

Terryl Warner Director of Cache County Victim Services introduced interim Cache County Attorney Taylor Sorensen. She thanked the City Council and the citizens of Hyrum for its support through a couple of difficult situations this past year. The citizens of

Hyrum have helped the victim's families and law enforcement. There was a murder suicide in Hyrum, and a family allowed their private home to be used as a command center until 4:00 in the morning. Hyrum is a great community and she wanted to let the City Council know of the support Victim Services and Law Enforcement has received from its citizens.

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

***SCHEDULED DELEGATIONS:***

**GORDON JESSOP - TO DISCUSS SNOW REMOVAL AND CREATING A BUFFER ZONE FOR SNOW PLACEMENT BETWEEN ROAD AND SIDEWALK AT 775 WEST 150 NORTH.**

Gordon Jessop said he lives at 775 West 150 North in Westridge Subdivision and he is concerned about safety issues from snow being plowed from the road onto the sidewalk. Westridge Subdivision's sidewalks are against the curb and there is no planter strip for snow placement. When the City's snowplows come down the road all of the heavy snow ends up on the sidewalks and the residents are unable to move the heavy snow from the sidewalks. He tries to keep his sidewalks free of snow but it is too difficult when the snow from the road ends up on the sidewalk. In the past he has asked the City for a snow buffer zone which required the snowplow drivers to leave a six foot area between the curb to the road that wasn't plowed. The snow buffer zone would eventually get high enough that the snow would not be thrown from the road onto the sidewalk. This allowed the homeowner to keep the sidewalks clear of snow so that people and children could use the sidewalks to walk on rather than the side of the road. He understands the City's ordinance requires homeowners to keep the sidewalks free of snow, but he can not comply with that since it is too difficult to continually remove the heavy snow. He doesn't want to be cited for not having his sidewalks clear of snow and would prefer the City allow him and the residents of Westridge to have a buffer zone for the road snow to be left on the side of the road. He would like the City to either grant an exception to Westridge that would allow the roads to not be plowed from curb to curb but instead allow 4' to 6' from the curb on each side of the road to not be plowed. Without the sidewalks being free of snow the children will walk in the road and that creates a safety issue.

Councilmember Rasmussen said even though he understands the issue with there not being a planter strip for snow removal and the snow ending up on the sidewalks, he is concerned about the safety

hazards of a snow buffer zone. The snow buffer zone will continue to get wider encroaching into traffic lanes which will prevent and impede traffic. It also will create a safety issue for snowplows as the snow in the buffer zone will be heavy and turn into an ice block. If a snowplow or a car hits the snow/ice it will cause a significant amount of damage to the vehicle and it could cause an injury to person inside the vehicle. The buffer zone also creates a drainage problem. If the snow is in the curb there is no place for the water to drain which could create a flooding issue in the street or worse for a resident where the water backs up. City Code requires the streets to be cleared from snow and restricts people from placing their snow in the City easement. The City has never cited a homeowner for not having the sidewalk clear and doesn't see a need to make a special exception to the ordinance.

Gordon Jessop said the buffer zone has worked in the past and he would like to continue to provide it. The residents in Westridge are in favor of a buffer zone for snow. It is a safety issue to not have children walking on the road rather than sidewalks. He doesn't want safety compromised to keep the roads overly wide.

Councilmember Rasmussen said the City has received letters from residents in Westridge asking us to not allow the buffer zone. That it has been tried twice before and it has created problems with the roads getting narrower and not allowing two cars to pass. They also had concerns that there was not enough room for garbage cans to be left out for pickup. There are areas all over the City that doesn't have sidewalks and kids use the roads to walk on and most of the times even in areas with sidewalks people are still walking on the roads.

Councilmember James said we have had rainstorms in the winter and hot springs that have caused heavy flooding. He does not want the curb filled in with snow that leaves no place for the water to drain possibly flooding a resident's home. He is also concerned about the safety of traveling vehicles including snowplows if they hit the snow packed buffer zone. It would cause serious damage. He doesn't believe in granting special exceptions because someone else is going to oppose the exception or be affected by the exception - City Code needs to be followed.

Councilmember Clawson said he lives on the Highway and understands the problem with no planter strip and the snow having to pile up somewhere. However, a buffer zone would narrow down the roads and that causes a safety issue. The snow from the road being pushed onto the sidewalk maybe heavy but there is equipment that can help

in removing heavy snow.

Gordon Jeppson said it is in Hyrum's best interest to allow a buffer zone on the road. The City's code says the sidewalks need to be cleared from snow and if the City doesn't enforce its code then the City could be liable if an accident occurs. If a buffer zone isn't going to be allowed, he wants the code change to not require Westridge homeowners to keep their sidewalks clear of snow.

Councilmember Adams said the City has policies in place to protect its residents and the City. Snow can not be piled up in a gutter blocking drainage. It could cause flooding issues the water needs to be able to drain. It also isn't safe to have a pile of snow and ice on the side of the road for cars or the City's snowplows to hit. The City code also requires homeowners to keep the sidewalks clear of snow but the City has never cited a homeowner that hasn't kept the sidewalks clear. He is not in favor of changing either code.

The City Council agreed that the City should continue to follow its ordinances and plow the entire street and for the City Attorney to review the City Code to see if there is any exposure of liability. If the City Attorney does not see any legal issues, then the code should not be changed.

**PRINCIPAL DENISE MOURITSEN, MOUNTAIN CREST HIGH SCHOOL - TO REQUEST SITE PLAN APPROVAL FOR A NEW INDOOR TRAINING FACILITY AT 255 SOUTH 800 EAST.**

Mountain Crest Principal Denise Mouritsen said Mountain Crest High School wants to build an indoor training facility northeast of the school by the baseball diamonds. The building is metal structure that was donated and will provide an additional area for students to practice during winter months. Current gyms at the school are heavily scheduled during winter months there are not enough areas for teams to practice. This will help provide additional training opportunities for Mountain Crest's teams.

Councilmember James said in the future if Mountain Crest wants to build additional indoor recreation areas to please contact the City. The City is looking at an indoor recreational facility and it would be nice to partner with Mountain Crest the same with Sky View has partnered with Smithfield City.

Power Superintendent Tom Cooper said before the building is approved, he would like an electric load capacity submitted so that he can ensure that the existing transformer can provide the

load Mountain Crest needs.

**ACTION**

Councilmember James made a motion to approve the Site Plan for Mountain Crest High School's indoor training facility located at 255 South 800 East with the condition that Mountain Crest provide an electrical load study to the City to ensure the existing transformer can provide the load it needs. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

**TRACY PAYES - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE FOR SPARKS AND SPLINTERS CUSTOM FABRICATION AT 452 EAST 300 SOUTH.**

Tracy Payes requested a Home Occupation Business License for Sparks and Splinters Custom Fabrication at 452 East 300 South. All welding be conducted inside the building, and he will not be welding past 9:00 p.m. If he has metal deliveries, he will ensure that the deliveries are not made during the early morning hours.

**ACTION**

Councilmember Clawson made a motion to approve a Home Occupation Business License for Sparks and Splinters Custom Fabrication at 452 East 300 South with the conditions that all welding is conducted inside the building. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

**NATE BARNHILL - TO REQUEST SITE PLAN APPROVAL FOR AN EQUIPMENT RENTAL FACILITY LOCATED AT 280 NORTH 800 EAST.**

Nate Barnhill requested site plan approval for an equipment rental facility located at 280 North 800 East. He met with the Planning Commission on December 14, 2023 and it recommended approval of the site plan with the following conditions: 1. To complete a full site plan with drainage, lighting, and other elements required by code. The business will be a tool and equipment rental business. He will have a mini excavator, a skid steer, and possibly a boom lift. They won't have back hoes or cranes. For the most part, it will be tools and general equipment. He is trying to serve small contractors and homeowners. There is a fully functioning building on the lot, with a bathroom which will serve as the home office. There are plans to expand the building to accommodate more staff and possibly sales of tools. The main areas will be asphalt, or if approved, a slag product. There will be a fence around the equipment and between the townhomes and the commercial lot. He

will be mindful of noise ordinances and have appropriate lighting. The landscaping will be desert landscaping. The business sign will probably be on the side of the building.

Councilmember Rasmussen said he is concerned about the lighting of the property since it is adjacent to the townhomes. He wants to ensure that the lights are downward facing, and the poles are not tall.

Nate Barnhill said he is not going to install lights on the east side of the property as shown in the plan. If he does install lights on the east side the lights will be installed no higher than the fence.

Councilmember Clawson said he is concerned about the metal fence being proposed due to it being so close to the townhomes. The metal fence will radiate a lot of heat during the summer.

Councilmember Rasmussen said the Planning Commission had discussed chain-link fence with privacy slats. He too is concerned about the metal fence generating too much heat where it is located so close to the townhomes. A landscaping plan also needs to be submitted.

Councilmember James said there was to be no signs hanging on telehandlers up in the air. The sign needs to be on the building or a monumental type of rock.

**ACTION**

Councilmember James made a motion to approve the Site Plan for an equipment rental facility located at 280 North 800 East with the following conditions: 1. Lighting be dark sky lighting with downward facing lights and for the lights on the east side of property to be no higher than the fence; 2. A full site plan with drainage, lighting, and other elements be required by code; 3. A fence be installed but for the property owner to consider chainlink with privacy slats over a full metal fence; 4. Landscaping plan be submitted and approved by City Staff; 5. An electrical load plan be submitted and approved by City Staff; and 6. Electrical component delays for equipment not already ordered are estimated to be 2.5 years. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

**WASTEWATER RECLAMATION & COLLECTION SUPERINTENDENT ANGELA PRITCHETT - TO PRESENT THE RESULTS OF THE SL RAT STUDY.**

Wastewater Reclamation & Collection Superintendent Angela Pritchett presented the results of the SL Rat Study. There were 974 manholes assessed and 224,832 feet of pipe. There were no urgent situations but there were 61 missing or inaccessible manholes; and 30 manholes that need to be cleaned. The study showed that Hyrum's sewer lines - 95% were in good condition; 4% were in fair condition; and 1% was in poor or blocked condition. Historically, Hyrum City has cleaned one-third of its sewer lines each year. The problem areas that the SL Rat Study found are going to be addressed immediately and then will be relooked at by the SL RAT to see if the issue has been resolved. A copy of the study and the results will be emailed to the City Council.

***INTRODUCTION AND APPROVAL RESOLUTIONS AND ORDINANCES:***

**ORDINANCE 24-01 - AN ORDINANCE REPEALING AND REENACTING TITLE 16 THE SUBDIVISION ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE.**

The City Council and City Engineer Matt Holmes had a lengthy discussion on proposed changes to Ordinance 24-01 an ordinance repealing and reenacting Title 16 the Subdivision Ordinance of the Hyrum City Municipal Code. Numerous changes were suggested, and the City Council determined the proposed changes were not ready for adoption. The City Council and City Engineer Matt Holmes will work on the proposed changes for adoption for the February 1, 2024, City Council Meeting. The amendments required in Senate Bill 174 must be adopted by Hyrum City and other municipalities with similar population by February 1, 2024. State Law no longer allows the City to require a Concept Plan nor for the City Council to be a part of the approval process for the Preliminary Plat, and Final Plat approval. The City Council also discussed setting fees to ensure that the professional fees of those members serving on the Administrative Land Use Authority are covered by the developer.

**ACTION**

**Councilmember James made a motion to table Ordinance 24-01 repealing and reenacting Title 16 the Subdivision Ordinance of the Hyrum City Municipal Code until the February 1, 2024 City Council meeting so that all amendments could be included in the ordinance. Councilmember Nelson seconded the motion and Councilmember Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.**



**OTHER BUSINESS:**

**CONSIDERATION AND AWARD OF BID FOR ASBESTOS ABATEMENT.**

Mayor Miller said Hyrum City received three bids for asbestos abatement of the house the City bought at 96 North 600 East. The City had budgeted \$50,000 for the asbestos abatement.

<u>Contractor</u>	<u>Amount</u>
<i>Eagle Environmental</i>	\$49,876
Thermal West	\$60,854
Environmental Abatement	\$68,759

**ACTION**

**Councilmember James made a motion to award the asbestos abatement bid at 96 North 600 East to Eagle Environmental in the amount of \$49,876. Councilmember Clawson seconded the motion and Councilmember Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.**

**BUDGET REPORT.**

Mayor Miller reviewed the 2023-2024 General Fund and Enterprise Funds budgets expenditures and revenues in detail. The City is in great financial condition and all budgets are on track for the end of the year.

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Miller said Cache County Assessor asked if Hyrum City was going to increase property tax rates this year. The County needs to know so that it can schedule a public hearing for Hyrum City's tax increase. The City Council suggested Mayor Miller contact the County and schedule a public hearing and if tax rates don't need to be increased then the public hearing can be cancelled. Blacksmith Assisted Living Center's employees are parking in the City's parking lot by the Senior Center. It has been creating some parking issues with seniors attending the center. The City Council recommended Mayor Miller meet with the Manager of Blacksmith Assisted Living Center to find out why the employees are parking in the City parking lot rather than at the assisted living center. She met with the Cache County School District and the school district would like to know when housing developments are approved so they can be aware of potential growth.

Councilmember Rasmussen said Museum Director Jami VanHuss will be

attending the next City Council Meeting to provide an annual report on the Museum.

Councilmember James said he attended a meeting regarding interest in a recreation center in Cache County. Logan, North Logan, Smithfield, Nibley, and Richmond were in attendance. There is interest in a recreation center, however, depending on the location of the recreation center it may be of benefit to Hyrum City or it may not. He would like a Recreation Director budgeted for in the next year's budget. If Hyrum had a Recreation Director that person could work with other cities in the south end of the Valley and help provide recreational opportunities for all ages.

Councilmember Nelson said he attended a Cache County Emergency Response Team meeting. There will be CERT Training in Smithfield in February. February or March there will be testing for Ham Radios.

Councilmember Clawson said Easter is on March 31, so the Easter Egg Hunt will be held on Saturday, March 30. He hasn't decided if there will be an actual hunt or if the eggs will be passed out like they were last year.

**ADJOURNMENT:**

**ACTION**

**There being no further business before the City Council,  
the Council Meeting adjourned at 10:12 p.m.**

ATTEST:

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Stephanie Miller  
Mayor

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Stephanie Fricke  
City Recorder

Approved: February 1, 2024  
As Written