

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD DECEMBER 7, 2023 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Mayor Pro Tempore Craig L. Rasmussen

**ROLL CALL:** Councilmembers Steve Adams, Jared Clawson, Paul James, and Craig L. Rasmussen.

**EXCUSED:** Mayor Stephanie Miller, and Councilmember Vicky McCombs.

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

**OTHERS PRESENT:** Power Superintendent Tom Cooper, City Engineer Matt Holmes, City Treasurer Todd Perkins and eight citizens. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Pro Tempore Rasmussen welcomed everyone in attendance and invited audience participation.

**PLEDGE OF ALLEGIANCE:** Councilmember Clawson

**INVOCATION:** Councilmember Adams

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on November 16, 2023 were approved as written.

**ACTION** Councilmember James made a motion to approve the minutes of a regular meeting held on November 16, 2023 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

The minutes of a special meeting on December 4, 2023 were approved as written.

**ACTION** Councilmember James made a motion to approve the minutes of a special meeting held on December 4, 2023 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, 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 December 7, 2023 as published. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.**

9. SCHEDULED DELEGATIONS:
  - A. Josi Andersen - To request approval of a Home Occupation Business License for a hair and nail salon at 40 East 300 South.
  - B. Aaron Hixson, HBME - To present the 2022-2023 Audit Report.
10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES
  - A. Resolution 23-26 - A resolution authorizing a Tax Certificate and Agreement for UAMPS' Payson Power Project; and related matters.
  - B. Resolution 23-27 - A resolution amending Section III Employee Hiring of the Personnel Policies and Procedures Manual for Hyrum City Corporation.
  - C. Ordinance 23-11 - An ordinance amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code Sections 17.28.250, 17.30.250, 17.32.140, 17.36.140, 17.38.250, 17.44.110, and 17.45.210 amending the maximum width for residential driveway access from 25' to 35' and other miscellaneous housekeeping items.
  - D. Ordinance 23-12 - An ordinance amending Title 17 (the Zoning Ordinance) Chapter 17.80 Nonconforming Buildings and Uses of the Hyrum City Municipal Code to remove the exception for businesses and buildings granted approval for light manufacturing in the RA Zone before April 1, 2008 to no longer allow expansion within the existing parcel of property and to remove the exception for abandonments; and miscellaneous housekeeping items.
11. OTHER BUSINESS
  - A. Consideration and acceptance of improvements for Scenic Mountain Subdivision Phase 2.
  - B. Mayor and City Council Reports.
12. ADJOURNMENT

**PUBLIC COMMENT:**

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

Dustin Hawkes said he lives at 166 North Center Street and he is in favor of the proposed changes in Ordinance 23-12 to not allow further expansion of a nonconforming use business in the RA Zone. The business located behind his property owns several homes and lots and the properties are not well kept. There are trailers and debris stored on these properties and it creates a blight on the residential neighborhood.

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

**SCHEDULED DELEGATIONS:****JOSI ANDERSEN - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE FOR A HAIR AND NAIL SALON AT 40 EAST 300 SOUTH.**

Josi Andersen said she wants to have a hair and nail salon at her house at 40 East 300 South. She will not have more than one client there at a time. Her driveway has enough parking spaces to accommodate her clients.

**ACTION**

**Councilmember James made a motion to approve a Home Occupation Business License for Josi Anderson at 40 East 300 South for a hair and nail salon. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.**

**AARON HIXSON, HBME - TO PRESENT THE 2022-2023 AUDIT REPORT.**

Aaron Hixon with HBME presented the 2022-2023 Audit Report. The Financial Report highlights:

1. The total net position of Hyrum City is increased by \$4,924,822 or 8.50% over the prior year totaling \$62,880,329. The governmental activities net position increased by \$3,481,135 or 18.31%.
2. Net position of business type activities increased by \$1,443,687 or 3.71%
3. Overall the City's long-term liabilities decreased, excluding net pension liability by \$457,758 over the prior year, due to scheduled debt payments. As of June 30, 2023 long term

liabilities, excluding net pension liability, for governmental and business type activities were \$94,767 and \$2,601,688 respectively.

He stated the Management Report is on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards. State compliance requirements were tested for the year ending June 30, 2023, in the following areas: Budgetary Compliance, Fund Balance, Justice Courts, Restricted Taxes and Related Revenue, Fraud Risk Assessment, Government Fees, Impact Fees, Utah Retirement Systems, and Public Treasurer's Bond.

There was one Internal Controls Material Weakness, and one State Compliance Matter.

1. Account Reconciliations and Financial Close Process - Throughout the performance of our audit procedures we noted general ledger accounts related to cash, accounts receivable, capital assets, accrued expenses and deferred inflows/outflows related to pensions were not reconciled to adequate supporting schedules as provided by management. Cause - It does not appear that the City has established and follow documented controls to ensure that all accounts are adjusted to their appropriate year end balances in accordance with accounting principles. Effect of Potential Effect - These conditions resulted in several insignificant and in some instances material audit adjustment. Recommendation - We recommend management ensures that all written policies and procedures be followed and updated to include adequate year end financial closing procedures. Managements Response - The City will look at an additional full time accounting professional or look at an outside CPA firm to help with the accounting process.
2. Budgetary Compliance - The City prepares and presents to the City Council quarterly detailed financial reports but does not prepare and present monthly summary financial reports. Criteria - The City is classified as a 4<sup>th</sup> class city and Utah Code requires 4<sup>th</sup> class cities to prepare and present to the governing body monthly summary financial reports and quarterly detailed financial reports. Effect - By not preparing and presenting monthly financial reports to the City Council, the City is out of compliance with State Law. Cause - The City believed it was in compliance by preparing and presenting quarterly detailed financial reports. Recommendation - The City should prepare and present to the

City Council monthly summary financial reports and quarterly detailed financial reports. Management's Response - The City will prepare and present monthly statements beginning January 2024 to be in compliance with State Law.

**ACTION**

**Councilmember Clawson made a motion to approve the 2022-2023 Audit Report. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.**

***INTRODUCTION AND APPROVAL RESOLUTIONS AND ORDINANCES:*****RESOLUTION 23-26 - A RESOLUTION AUTHORIZING A TAX CERTIFICATE AND AGREEMENT FOR UAMPS' PAYSON POWER PROJECT; AND RELATED MATTERS.**

Power Superintendent Tom Cooper said Resolution 23-06 authorizes a tax certificate and agreement for UAMPS Payson Power Project. This will allow UAMPS to Bond for Payson and Nebo Power projects for prepayment of the natural gas used. By prepaying there are substantial savings even with paying interest on a bond. The prepaid transactions are structured to convert the difference between the issuer's lower tax-exempt cost of funds and the prepaid energy supplier's higher taxable cost of funds into a discounted price for prepaid energy. The initial discount is expected to be at least 7.5% and will be determined before closing. The amount of the discount will be reset periodically over the term of the prepay when the bonds are refinanced (every five to ten years).

**ACTION**

**Councilmember James made a motion to approve Resolution 23-26 a resolution authorizing a tax certificate and agreement for UAMPS' Payson Power Project; and related matters, and to approve Mayor Miller and Power Superintendent Tom Cooper as representatives. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.**

**RESOLUTION 23-27 - A RESOLUTION AMENDING SECTION III EMPLOYEE HIRING OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HYRUM CITY CORPORATION.**

City Recorder Stephanie Fricke said Utah State Code now requires a background check be conducted on all employees working in a library. The proposed amendments will allow a background examination to be conducted in accordance with Utah State Code.

**ACTION**

Councilmember James made a motion to approve Resolution 23-27 a resolution amending Section III Employee Hiring of the Personnel Policies and Procedures Manual for Hyrum City Corporation with the following amendment to item 4B.(9) "maybe" change to "may be". Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

ORDINANCE 23-11 - AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE SECTIONS 17.28.250, 17.30.250, 17.32.140, 17.36.140, 17.38.250, 17.44.110, AND 17.45.210 AMENDING THE MAXIMUM WIDTH FOR RESIDENTIAL DRIVEWAY ACCESS FROM 25' TO 35' AND OTHER MISCELLANEOUS HOUSEKEEPING ITEMS.

City Engineer Matt Holmes said the major change to the Zoning Ordinance will increase the maximum width for a residential driveway from 25 feet to 35 feet. The Planning Commission held a public hearing on October 12, 2023, and is recommending approval of the proposed amendments.

**ACTION**

Councilmember Clawson made a motion to adopt Ordinance 23-11 amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code Sections 17.28.250, 17.30.250, 17.32.140, 17.36.140, 17.38.250, 17.44.110, and 17.45.210 amending the maximum width for residential driveway access from 25' to 35' and other miscellaneous housekeeping items with the following amendment that in all sections listed that 25' be stricken and replaced with 35'. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

ORDINANCE 23-12 - AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) CHAPTER 17.80 NONCONFORMING BUILDINGS AND USES OF THE HYRUM CITY MUNICIPAL CODE TO REMOVE THE EXCEPTION FOR BUSINESSES AND BUILDINGS GRANTED APPROVAL FOR LIGHT MANUFACTURING IN THE RA ZONE BEFORE APRIL 1, 2008, TO NO LONGER ALLOW EXPANSION WITHIN THE EXISTING PARCEL OF PROPERTY AND TO REMOVE THE EXCEPTION FOR ABANDONMENTS; AND MISCELLANEOUS HOUSEKEEPING ITEMS.

City Engineer Matt Holmes said Ordinance 23-12 will amend Chapter 17.80 Nonconforming buildings and uses of the Hyrum City Municipal Code to remove the exception for businesses and buildings granted approval for Light Manufacturing in the RA Zone before April 1, 2008, to no longer allow expansion within the existing parcel of

property and to remove the exception for abandonments.

**ACTION**

Councilmember James made a motion to adopt Ordinance 23-12 amending Title 17 (the Zoning Ordinance) Chapter 17.80 Nonconforming Buildings and Uses of the Hyrum City Municipal Code to remove the exception for businesses and buildings granted approval for light manufacturing in the RA Zone before April 1, 2008 to no longer allow expansion within the existing parcel of property and to remove the exception for abandonments; and miscellaneous housekeeping items. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

***OTHER BUSINESS:*****CONSIDERATION AND APPROVAL OF IMPROVEMENTS FOR SCENIC MOUNTAIN SUBDIVISION PHASE 2.****ACTION**

Councilmember James made a motion to approve the improvements for Scenic Mountain Subdivision Phase 2 with the following condition that the crossing over the canal still has to be fixed. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Pro Tempore Rasmussen said Mayor Miller had a citizen request to use the Elite Hall for baseball practice. The team would only be using wiffle balls. A short discussion ensued with the City Council and the City Council was not in favor of changing the uses to allow sport practices in the Elite Hall. The City Council also asked for City Staff to hang "No Dog" signs in the Elite Hall to prevent people from bringing in their dogs while they are walking and at private rentals. City Staff asked the Mayor if it would be financially advantageous to not have City Staff plow sidewalks or parking lots at the Elite Hall and Civic Center on weekends. The people renting the building could be made aware that these services are not provided on weekends. The City Council agreed that City Staff should continue to plow sidewalks and parking lots at the Civic Center and Elite Hall on weekends.

City Recorder Stephanie Fricke said the recount of the 2023 General Election results will need to be canvassed and approved. Cache County has rescheduled the recount for December 13 and the Board

of Canvassers (the City Council) could meet on December 14 at 5:00 p.m. to canvass and approve the recount results.

The annual Planning Workshop with staff and City Council is scheduled for Friday, February 9 at 8:00 a.m. This will be an all-day event in a similar format as last year.

Councilmember Rasmussen said there were over 380 people who attended Hyrum Holidays Celebration at the Elite Hall. They are going to try and get more residents to participate in the tree decorating contest.

**ADJOURNMENT:**

**ACTION                    There being no further business before the City Council,  
                                  the Council Meeting adjourned at 8:15 p.m.**

ATTEST:

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Stephanie Miller  
Mayor

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Stephanie Fricke  
City Recorder

Approved: January 4, 2024  
                  As Written