

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 17, 2022 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

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

**CONDUCTING:** Mayor Stephanie Miller

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

**EXCUSED:** Councilmembers Vicky McCombs, and Steve Adams.

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

**OTHERS PRESENT:** City Administrator Ron Salvesen, and Zoning Administrator Matt Holmes, Power Superintendent Matt Draper, Lineman Blake Ballard, Lineman Pete Cepeda, Lineman Nate Wilcox and eight citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Mayor Miller

**INVOCATION:** City Administrator Ron Salvesen

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on February 3, 2022 were approved as written.

**ACTION**

**Councilmember James made a motion to approve the minutes of a regular meeting held on February 3, 2022 as written. Councilmember Clawson seconded the motion and Councilmembers 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.

Mayor Miller said item "9.A. Annette Francis - To request use and sponsorship of the Elite Hall twice a week for play days for mothers with children." needs to be removed from the agenda. Annette found another facility to use.

**ACTION**

**Councilmember James made a motion to approve the agenda for a regular scheduled meeting on February 3, 2022, with the above amendment. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.**

## 8. PUBLIC COMMENT

## 9. SCHEDULED DELEGATIONS

A. ~~Annette Francis - To request use and sponsorship of the Elite Hall twice a week for play days for mother's with children.~~

B. Lindsay Johnson - To request sponsorship and use of the Blacksmith Fork Park on June 4, 2022, for a fundraiser event.

C. Dan Larsen, Auburn Hills, LLC. - To request preliminary plat approval for Auburn Hills Phase 7 located at approximately 720 East 600 South for a 41 single family lot subdivision located on approximately 15 acres.

D. Hayden and Collette Petersen - To request amending the Hyrum City Zoning Map by rezoning property located at approximately 605 Park Drive Parcel #01-013-0031 from Residential R-2 to Residential R-2A to allow the existing home that contains an accessory dwelling unit to be modified into a duplex.

## 10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

A. Ordinance 22-01 - An ordinance amending the Zoning Map of Hyrum City, Utah by rezoning property located at approximately 605 Park Drive Parcel #01-013-0031 from Residential R-2 to Residential R-2A.

B. Resolution 22-03 - A resolution setting electrical power monthly service fees and power rates for all customers or canyon customers receiving electrical power from the Hyrum City Municipal Power System.

## 11. OTHER BUSINESS

A. Mayor and City Council Reports.

## 12. ADJOURNMENT

**PUBLIC COMMENT:**

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

**SCHEDULED DELEGATIONS:****LINDSAY JOHNSON - TO REQUEST SPONSORSHIP AND USE OF THE BLACKSMITH FORK PARK ON JUNE 4, 2022 FOR A FUNDRAISER EVENT.**

Lindsay Johnson said she would like to use the Blacksmith Fork Park on June 4, 2022, for a fundraising event. A family in Hyrum house burned down last June and they are trying to rebuild but insurance won't pay the full cost of the rebuild. This family has lived in Hyrum for over 20 years. She has spoken with various churches and neighbors about hosting a fund-raising event. She has received an overwhelming response from people wanting to help. They are hoping to raise at least \$10,000. She would like to hold the fund raiser event at Blacksmith Fork Park since that is their neighborhood park.

Mayor Miller said it is such a wonderful thing that they are doing to help their neighbor and friend. Blacksmith Fork Park is a great location to hold an event like this, however, the City will be in the middle of building a skateboard park and hydroseeding the ground by June. They can still use the park, but they will need to rope off areas and ensure no one is disturbing the new grass or construction area. They will also have to provide the City with a certificate of liability insurance naming Hyrum City in the amount of one million dollars if they rent bounce houses or slides.

**ACTION**

Councilmember James made a motion for the city to sponsor Lindsay Johnson's request for a fundraising vent to be held at Blacksmith Fork Park on June 4, 2022, for free. A Certificate of Liability Insurance will need to be provided to the City before the event if there will be bounce houses or slides. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, and Rasmussen voted aye. The motion passed.

**DAN LARSEN, AUBURN HILLS, LLC. - TO REQUEST PRELIMINARY PLAT APPROVAL FOR AUBURN HILLS PHASE 7 LOCATED AT APPROXIMATELY 720 EAST 600 SOUTH FOR A 41 SINGLE FAMILY LOT SUBDIVISION LOCATED ON APPROXIMATELY 15 ACRES.**

Mayor Miller said on February 11, 2021 the Hyrum City Planning recommended Preliminary Plat approval of Auburn Hills, Phase 7, consisting of 41 single family building lots located between approximately 720 East 600 South with the following conditions: 1. The easement next to the Irrigation pond be deeded to the City; 2.

If the City wants the curb, gutter, and sidewalk continued that they come to a negotiation with Kartchners; and 3. If the City wants a future road on 700 South with a connection on 770 East that negotiation to purchase the intended area will take place with Kartchners.

The City Council met on February 18, 2021, to discuss the approval of the preliminary plat and the Council made a motion for City Staff to meet with Dan Larsen and the State Ombudsman about the road and then bring the Preliminary Plat back to the City Council with the Ombudsman recommendation for approval. The State Ombudsman has given his opinion and the City has met with Dan Larsen regarding the opinion. City Staff is recommending approval of the final plat with the following conditions: 1. Property line along canal and city property to be evaluated to clarify current ownership. (Auburn Hills as agreed to dedicate land along canal to the City thus prevent a "no mans" land); 2. A statement on plat and in CC&R's that only noncombustible fences can be installed along canal property and that the Canal Company nor the City is liable for fence if damaged by fire; 3. Lots 101 and 102 reduced area in exchange for additional dedication of portions of 770 East 800 East and 700 South. The lots meet the minimum width requirements but are reduced in depth; 4. The boundaries along 700 South and 800 East should be marked as having no rights of access from the lots along the road/property boundary; and 5. Easement for irrigation main needs to be added to lot 87. This will affect setbacks for this lot. Foundation will need to be outside of the easement and no permanent structures may be built over the mains, including concrete. No trees to be planted near enough that the roots will interfere with the pipes.

Dan Larsen said he understands the City wants him to put a statement on the plat with stipulation that only nonflammable fences may be installed near canal. However, he is not willing to put that statement in the plat or in the CC&R's. It is not the responsibility of the City to mandate what type of fence goes near the canal. That is a canal company issue not Hyrum City's.

Councilmember Clawson said the canal company has an easement and when it is burning ditches the heat or flame could warp any type of fence that is noncombustible.

Dan Larsen said he realizes he has put that type of statement on the plat in the past, but he is not willing to do it again. This isn't the City's problem.

Councilmember James said Hyrum City's ordinance requires a noncombustible fence be installed near canal property.

Dan Larsen said he worked with City Staff and there were conditions that were agreed to in exchange for the road. He is not willing to negotiate any further.

Councilmember Rasmussen told Dan Larsen that he is benefitting from the dedication of the road property by the City approving two nonconforming lots. Without the road it would have a significant impact on his development.

Dan Larsen said he does not agree with the City and is not going to change the plat.

**ACTION**

**Councilmember Rasmussen made a motion to continue the approval of the preliminary plat for Auburn Hills Phase 7 consisting of 41 single family building lots located between approximately 720 East 600 South when a statement has been included on the plat and CC&R's to prohibit noncombustible fences between canal property and also the plat includes all other changes recommended by City Staff. Councilmember Clawson seconded the motion and Councilmembers Clawson, James, and Rasmussen voted aye. The motion passed.**

**HAYDEN AND COLLETTE PETERSEN - TO REQUEST AMENDING THE HYRUM CITY ZONING MAP BY REZONING PROPERTY LOCATED AT APPROXIMATELY 605 PARK DRIVE PARCEL #01-013-0031 FROM RESIDENTIAL R-2 TO RESIDENTIAL R-2A TO ALLOW THE EXISTING HOME THAT CONTAINS AN ACCESSORY DWELLING UNIT TO BE MODIFIED INTO A DUPLEX.**

Mayor Miller said on February 17, 2022, the City Council voted against the rezone of the property located at 605 Park Drive from Residential R-2 to Residential R-2A to allow the existing home that contains an accessory dwelling unit be modified into a duplex. The owners/requestors Hayden and Collette Petersen were at that meeting but didn't know they could speak. After the meeting they contacted her and asked to be put on the agenda so they could have an opportunity to explain what their plans were with the property.

Collette Petersen said they met with the Planning Commission, and it had recommended approval of the rezone. When they purchased the house, it had an existing accessory apartment that they have been renting out. The existing accessory apartment makes it easy to turn this house into a duplex. If rezoned, they want to make

several improvements to the house.

Councilmember Rasmussen asked what were there plans for improvements to the property.

Collette Petersen the house already has two separate accesses and there is plenty of parking. If the rezone is approved there would be changes made to the inside of the homes such as removing the staircase and the access between floors to make it a functional duplex.

Councilmember James said this property is in a residential neighborhood and was zoned Residential R-2 when the Petersen's bought the property. The Petersen's knew they were buying an owner-occupied house with an accessory apartment. He is not in favor of rezoning the property and his decision from last City Council meeting has not changed.

Councilmember Clawson said this property has always been zoned Residential and he does not believe it is fair to the neighboring landowners to change the zoning to allow a duplex. Also, it sets a precedence for other properties in Hyrum and there could be spot zoning through the City. He doesn't agree with spot zoning for this type of use.

Hayden Petersen said even if the property was rezoned the City would still have a review process before it was turned into a duplex.

Collette Petersen said she doesn't understand why the City Council won't pass it when the house meets all the requirements.

Councilmember Rasmussen said the Planning Commission's recommendation was based on it meeting City Code. The City Council has the responsibility and authority to make sure it meets City Code and that it is in the best interest of Hyrum to rezone the property.

City Administrator Ron Salvesen said a rezone request is a legislative decision and the City Council has the right to approve or deny it for any reason.

Hayden Petersen said there is a sixplex a couple of blocks away and he is only asking for a duplex.

City Administrator Ron Salvesen the sixplex was built a long time

ago when it was allowed by City Code. It is now grandfathered.

***INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES***

**ORDINANCE 22-01 - AN ORDINANCE AMENDING THE ZONING MAP OF HYRUM CITY, UTAH BY REZONING PROPERTY LOCATED AT APPROXIMATELY 605 PARK DRIVE PARCEL #01-013-0031 FROM RESIDENTIAL R-2 TO RESIDENTIAL R-2A.**

**ACTION**

Councilmember Rasmussen made a motion to adopt Ordinance 22-01 amending the Zoning Map of Hyrum City, Utah by rezoning property located at approximately 605 Park Drive Parcel #01-013-0031 from Residential R-2 to Residential R-2A. Due to a lack of a second the motion died.

Ordinance 22-01 was not adopted.

**RESOLUTION 22-03 - A RESOLUTION SETTING ELECTRICAL POWER MONTHLY SERVICE FEES AND POWER RATES FOR ALL CUSTOMERS OR CANYON CUSTOMERS RECEIVING ELECTRICAL POWER FROM THE HYRUM CITY MUNICIPAL POWER SYSTEM.**

Mayor Miller said City Staff has carefully reviewed industry trends and performance of the City's electric utility along with needs for capital and operational reserves, the City Council has determined that an adjustment to the power factor rate is necessary and standard. This ordinance will change the power factor on commercial and industrial accounts from 90% to 95%. It also will restrict temporary service for constructions activity only and not for any other purposes including housing, house trailer, tent, etc.

**ACTION**

Councilmember James made a motion to approve Resolution 22-03 setting electrical power monthly service fees and power rates for all customers or canyon customers receiving electrical power from the Hyrum City Municipal Power system. Due to shortages of equipment City staff should work with businesses on the power factor charges by keeping the power factor at 90% if a business can provide proof of ordering equipment to reduce power factor Councilmember Rasmussen seconded the motion and Councilmembers Clawson, James, and Rasmussen voted aye. The motion passed.

***OTHER BUSINESS:***

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Miller said City Staff is requesting Spring Clean-up only include one weekend rather than two. The City is short on staff and staff has to be at the clean-up site all weekend long. The days for Spring Clean up will be April 27 through May 4. The City's dumpsters fill up quickly and a lot of the time its not from Hyrum residents.

Councilmember James asked if we could put up signs that proof of residency maybe required to help deter people from other cities from using our dumpsters. He also suggested extending the days of clean up from April 27 to May 6 which would give two additional days but not an additional weekend.

Mayor Miller said it is time to start planning for Hyrum City's July 4<sup>th</sup> Celebration. The City made a couple of changes and if the City Council agrees those changes will be permanent, changes included parade being moved from 12:00 noon to 10:00 a.m.; no booths on City Square; and no watermelon. The City Council agreed to those changes.

City Administrator Ron Salvesen said House Bill 242 will most likely pass this year which will require all piped irrigation systems to be metered by 2030. The State will have funds set aside to help with the expense of the meters and installation. It is considering funding 70% of the meter project if it's done within the first year.

Councilmember Rasmussen said Jazz Nights at the Elite Hall was very well attended and even the dinner sold out. The RAPZ Tax from 2019 will be used for exterior paint removal. When the paperwork was submitted last year there was a contingency for brick repair, window replacement, ridgecap, and removal of canopy. These are the most important items that need to be done first at the Elite Hall.

Councilmember James said he has arranged for Major Brent Taylor's widow Jenny Taylor to be the Patriotic Program speaker this year. The Youth Choir will perform at the Patriotic Program again this year.

Mayor Miller said Logan City has informed Cache County and all of the neighboring cities and towns that it will no longer provide garbage service after December 31, 2023. Mayor Miller is working



with Cache County and the Mayors Association to find another solid waste provider.

**ADJOURNMENT:**

**ACTION**            **There being no further business before the City Council, the Council Meeting adjourned at 8:28 p.m.**

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Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: March 17, 2022  
As Written