

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 7, 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:** City Engineer Matt Holmes, Water Reclamation Superintendent Angela Pritchett, City Treasurer Todd Perkins, Power Superintendent Tom Cooper, and 14 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Councilmember Rasmussen

**INVOCATION:** Councilmember Clawson

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on February 9, 2024 were approved as written.

**ACTION** Councilmember James made a motion to approve the minutes of a regular meeting held on February 9, 2024 as written. Councilmember Nelson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

The minutes of a regular meeting on February 15, 2024 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of a regular meeting held on February 15, 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 March 7, 2024 as published. Councilmember James seconded the motion and Councilmembers Adams, James, Nelson, and Rasmussen voted aye. The motion passed.**

## 9. SCHEDULED DELEGATIONS

- A. Water Reclamation Superintendent Angela Pritchett - To present and request approval of the Hyrum City Municipal Wastewater Planning Program Annual Report for 2023.
- B. Ryan Smith - To discuss flooding issues from Harvest Valley Court construction site at 43 North 300 East.
- C. Matt Nielson, Sunset Fields Subdivision - To request Preliminary Plat approval for a single family subdivision with 17 lots located at approximately 705 East 1100 South consisting of 7.85 acres.
- D. Steve Miller - To request site plan approval for two additional storage buildings at 105 South Hammer Road (Parcel 01-002-0027) consisting of .18 acres.

## 10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

- A. Resolution 24-05 - A resolution authorizing and approving the reacquiring of a portion of Municipal Irrigation Water Shares with Alan Nielsen as per Resolution 10-03.
- B. Resolution 24-06 - A resolution amending the Personnel Policies and Procedures Manual for Hyrum City Corporation to amend Section XII 2.A. Employment Classifications/Compensation for elected officials to further define which elected officials are eligible for Utah Retirement Systems "URS" Tier II benefits.
- C. Resolution 24-07 - A resolution amending the Personnel Policies and Procedures Manual for Hyrum City Corporation to require City Employees to live within 10 miles of Hyrum City Offices and Supervisors to live within 5 miles of Hyrum City Limits.

## 11. OTHER BUSINESS

- A. Consideration and award of bid for Water Master Plan Study.
- B. Discussion on Rodeo Grounds Agreement.

- C. Discussion on approval of transferring a trailer from Power Department to Water Department.
  - D. Closed Session - To discuss the purchase, exchange, sale, or lease of real property.
  - E. Consideration and approval of the purchase of real property.
  - F. 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.

Kelly Jessop asked the City Council if the Farm Kids Market could be held in the East Park parking lot again on Saturday mornings starting June 1, 2024 through July 27, 2024. He also asked if the Farm Kids could hold a meeting at the Civic Center on May 15.

The City Council agreed that the Farm Kids Market could continue to be held on Saturdays in the East Park parking lot.

Tyler Aldous said he lives at 270 East 100 North and he wants the City Council to be aware of the damage being caused by the developer of the property on 300 South and Main. His property is just north of this development and the developer has damaged his property numerous times. The fence was damaged, and the developer said he would fix it but it hasn't been done. Around New Years the contractor was doing work on the ground and hit a telephone pole which caused a wire to snap. The wire hit his house so hard that it caused damage to the siding. He has been trying to get in contact with the developer, but he hasn't been able to speak with him yet. He asked the City Council if there was any recourse the City could take to help him and other residents that are having problems due to the development of the 300 South and Main property.

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

***SCHEDULED DELEGATIONS:***

**WATER RECLAMATION SUPERINTENDENT ANGELA PRITCHETT - TO PRESENT AND REQUEST APPROVAL OF THE HYRUM CITY MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT FOR 2023.**

Water Reclamation Superintendent Angela Pritchett said the State requires the Municipal Wastewater Planning Program (MWPP) Report to be submitted annually. The report reviews all aspects of the City's Water Reclamation Utility, such as, finances (operating revenues and reserves, projected capital investments, employee certification, equipment, etc.) for both the Water Reclamation Facility and the collection system. She has created a capital improvement plan for the next 10 years that will help upgrade the system. A RFP for a Master Plan and impact fee study has been completed and accepting proposals now. She sent the two new operators to school in St. George and hopefully they will be able to become certified as a Level II operators. A Level IV Operator is extremely difficult to get and there is a 12% pass rate. The SLRAT has new technology available, and gauges can be installed in manholes to measure flows easily. This will help identify areas with greater flow volumes. She is trying to help educate people about flushable wipes are not and should not be flushed down the toilet. Flushable wipes cause a lot of flow and blockage issues in sewer lines. Millville City will soon be connecting to Hyrum City's wastewater lines and at that time will be financially contributing to the wastewater treatment plant.

**ACTION**

**Councilmember James made a motion to approve the Municipal Wastewater Planning Program Annual Report for 2023. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.**

**RYAN SMITH - TO DISCUSS FLOODING ISSUES FROM HARVEST VALLEY COURT CONSTRUCTION SITE AT 43 NORTH 300 EAST.**

Ryan Smith said he lives at 256 East 100 North and the development of Harvest Valley Court at 43 North 300 East is causing flooding issues on his property. The developer of the site has installed pipes at wrong grades and the retention pond is not draining correctly. The storm water on the site drains north filling up the retention pond the developer build incorrectly and then the water seeps through the ground and floods his property. He showed photos of the damage to his property from the water draining off of 43 North 300 East and running down both sides of his house. He had to dig trenches to the side of his house to help divert the water coming from the 43 North 300 East property so that it would not flood his basement. He contacted the City and the City brought out pumps and cut a trench in the new road to help drain the property so that it didn't flood his house. When this development was being proposed his wife attended City Council Meeting and

expressed her concerns about ground water and flooding in this area and she was told the developer had addressed the storm water and that her property would not flood. His property is now being flooded by the development and is doing exactly what his wife said it would do. He does not have time nor the resources to monitor this site daily to ensure his house doesn't flood. He wants this issue resolved and asked the City to help him in his neighbors hold the developer responsible for what he said he would do.

Councilmember Rasmussen said the mistakes that the contractor has made at 43 North 300 East are unacceptable. The contractor's work from the excavation to the installation of lines and building the retention pond have not been built to City standards. The developer needs to be held accountable for the work and the City should issue a stop order and call in the bond. The City should contact its attorney to find out the legal process to ensure that it can call on the bond and have the improvements made correctly. He is concerned that if the bond is called in the developer won't have incentive to quickly fix the mistakes that are causing the flooding issues.

Councilmember Clawson said he agrees with Councilmember Rasmussen that the developer needs to fix its mistakes. The irrigation ditch was built incorrectly which caused the water to drain the wrong way. A contractor should install the improvements to City standards and should not have to constantly monitor the construction. The contractor should have to pay for all the time that City Staff has had to be on site taking care of problems that were caused by them.

The City Council asked Mayor Miller to contact the City Attorney and hold a meeting with the City Attorney, City Staff, and the neighbors to resolve all issues as quickly and effectively as possible.

**MATT NIELSON, SUNSET FIELDS SUBDIVISION - TO REQUEST PRELIMINARY PLAT APPROVAL FOR A SINGLE FAMILY SUBDIVISION WITH 17 LOTS LOCATED AT APPROXIMATELY 705 EAST 1100 SOUTH CONSISTING OF 7.85 ACRES.**

City Engineer Matt Holmes said on February 15, 2024 the Planning Commission recommended approval of the Preliminary Plat for Sunset Fields Subdivision with 17 single family lots located at approximately 705 East 1100 South consisting of 7.85 acres with the following condition that the applicant address and fix all redlines made by City Staff on the plat. The developer has addressed all of the red line issues.

Matt Nielsen requested Preliminary Plat approval for a single family subdivision with 17 lots located at approximately 705 East 1100 South consisting of 7.85 acres. This development will be for smaller affordable houses.

Councilmember Rasmussen said the plat that was submitted was not a preliminary plat and didn't address the issues that a preliminary plat should and in accordance with Hyrum City's Municipal Code. The plan that has been submitted is a final plat and does not include the information needed for a preliminary plat approval. This should have been addressed by the City Engineer and the Planning Commission and it should never have come before City Council for approval. He is greatly concerned that this was reviewed and recommended for approval when none of the information required to be on a preliminary plat is included, such as, legal boundary, fence and fence lines, fence materials, boundary lines of adjacent track of property, widths and dimensions of proposed streets, construction plans do not have street crossings, the streets aren't numbered, no details on the detention pond, no easements, natural features aren't noted, and many other items. The design calls for drainage swales and swales never work because home owners fill in the swales either to expand the driveway or for landscaping issues. Stormwater needs to be addressed differently rather than having drainage swales.

**ACTION**

**Councilmember Rasmussen made a motion to table the Preliminary Plat for Sunset Fields Subdivision a 17 lot single family subdivision located at approximately 705 East 1100 South consisting of 7.85 acres until the developer brings a preliminary plat that contains all of items listed in the City Code and a different design for stormwater. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.**

**STEVE MILLER - TO REQUEST SITE PLAN APPROVAL FOR TWO ADDITIONAL STORAGE BUILDINGS AT 105 SOUTH HAMMER ROAD (PARCEL 01-002-0027) CONSISTING OF .18 ACRES.**

City Engineer Matt Holmes said on February 15, 2024 said the Planning Commission recommended approval for two additional storage buildings at 105 South Hammer Road consisting of .18 acres with the condition that he provides an acceptable plan for managing stormwater and keeping it on his property.

Steve Miller said he wants to build a storage building on his property and there will be no electricity.

Power Superintendent Tom Cooper said if the property owner decides to have electricity either now or in the future the power will need to be provided by Hyrum City and the property owner will be responsible for all costs to extend Hyrum City Power to the property.

**ACTION** Councilmember James made a motion to approve the site plan for Steve Miller for two additional storage buildings at 105 South Hammer Road consisting of .18 acres. Councilmember Nelson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

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

**RESOLUTION 24-05 - A RESOLUTION AUTHORIZING AND APPROVING THE REACQUIRING OF A PORTION OF MUNICIPAL IRRIGATION WATER SHARES WITH ALAN NIELSEN AS PER RESOLUTION 10-03.**

Mayor Miller said Resolution 24-05 authorizes and approves the reacquiring of a portion of municipal irrigation water shares with Alan Nielsen as per Resolution 10-03. Julie Nielsen is selling a portion of her irrigation shares and as per the agreement it requires Alan and Julie Nielsen or future property owners to contact Hyrum City about reacquiring Hyrum City's High Line Shares that it traded to Alan and Julie Nielsen. Julie is proposing to trade to Hyrum City 16 shares of High Line for 4 shares of Hyrum Irrigation. This will still leave Nielsen's with 20 shares of High Line Canal and Hyrum City with 5 shares of Hyrum Irrigation that will remain under all terms set forth in the Water Share Exchange and Security Agreement including but not limited to the reacquisition of High Line Shares by Hyrum City dated and signed by Alan and Julie Nielsen on February 8, 2010 the same terms for reacquisition.

**ACTION** Councilmember Clawson made a motion to approve Resolution 24-05 a resolution authorizing and approving the reacquiring of a portion of Municipal Irrigation Water Shares with Alan Nielsen as per Resolution 10-03. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

**RESOLUTION 24-06 - A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HYRUM CITY CORPORATION TO AMEND SECTION XII 2.A. EMPLOYMENT CLASSIFICATIONS/COMPENSATION FOR ELECTED OFFICIALS TO FURTHER DEFINE WHICH ELECTED OFFICIALS ARE ELIGIBLE FOR UTAH RETIREMENT SYSTEMS "URS" TIER II BENEFITS.**

Mayor Miller said the City was audited by the Utah Retirement Systems and it is requiring Hyrum City to amend its Personnel Policies and Procedures Manual to define that the Judge is eligible for Utah Retirement Systems Tier II benefits.

**ACTION**

Councilmember James made a motion to approve Resolution 24-06 a resolution amending the Personnel Policies and Procedures Manual for Hyrum City Corporation to amend Section XII 2.A. employment classifications /compensation for elected officials to further define which elected officials are eligible for Utah Retirement Systems "URS" Tier II benefits. Councilmember Adams seconded the motion and Councilmembers Adams, James, Nelson, and Rasmussen voted aye. The motion passed.

**RESOLUTION 24-07 - A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HYRUM CITY CORPORATION TO REQUIRE CITY EMPLOYEES TO LIVE WITHIN 10 MILES OF HYRUM CITY OFFICES AND SUPERVISORS TO LIVE WITHIN 5 MILES OF HYRUM CITY LIMITS.**

Mayor Miller said Resolution 24-07 will amend the Personnel Policies and Procedures Manual for Hyrum City Corporation to require City employees to live within 10 miles of Hyrum City Offices and Supervisors to live within 5 miles of Hyrum City Limits. This amendment would change the policy back to what it was a year and half ago. The City has tried to stay under 50 employees but this coming budget year the City will be over 50 employees and there are 10 requests for full time employees. As the City starts hiring these new employees it maybe beneficial for the City to have employees that live closer to City limits to help with response times.

Councilmember Adams said he contacted other cities in Cache Valley and Wellsville had a 30 minute response time. If the City is having a difficult time finding employees reducing the mileage requirement it may reduce the number of qualified applicants that apply.

Councilmember Clawson said response time is important in emergency



situations and having employees closer to Hyrum City helps decrease response time.

City Recorder Stephanie Fricke said there have been complaints from employees that are on-call that it is not financially reasonable to respond for one hour to an on-call emergency when wages are under \$25.00 an hour. If someone lives 15 miles away that puts them north of Smithfield and driving time through Logan can take more than 30 minutes if traffic is busy. Job satisfaction decreases when people are on-call and are paid a one hour minimum, but it takes them another 30 minutes to drive home that is not paid for. Hyrum City allows an employee 5 minutes to call back; 10 minutes to leave home; and then the driving time which can well be over 30 minutes depending on where the employee is at when that employee receives a call to respond. Hyrum City is unique since and has utilities that other communities in Cache Valley do not. The City has its own power, water, sewer, cemetery, and pressurized irrigation systems. Most departments' employees are on-call at least one week a month.

Councilmember James said rather than a time response he prefers a maximum mileage distance because driving time can change depending on traffic or weather conditions.

**ACTION**

**Councilmember James made a motion to table Resolution 24-07 approve Resolution 24-04 amending the Personnel Policies and Procedures Manual for Hyrum City Corporation to require City employees to live within 10 miles of Hyrum City Offices and Supervisors to live within 5 miles of Hyrum City Limits. Councilmember Nelson seconded the motion and Councilmembers Adams, James, Nelson, and Rasmussen voted aye, and Councilmember Clawson voted nay. The motion passed.**

***OTHER BUSINESS*****CONSIDERATION AND AWARD OF BID FOR WATER MASTER PLAN STUDY.**

Mayor Miller said the City received two bids for the Water Master Plan Study. JUB and Aqua Engineering submitted bids. JUB did not include GIS services and Aqua's bid included GIS bids. Aqua Engineering's bid is over \$80,000 more than JUB.

Councilmember Rasmussen asked if there was a selection committee that independently evaluated and rank the proposals based on the selection criteria listed in the RFP. From what he understands

there was not a committee that did so. He has reviewed the proposals and he is recommending JUB be awarded the bid. He spoke with Water Superintendent Kade Maughan and Kade said JUB did not include field time for GIS mapping in their proposal, while Aqua did. Kade is recommending Aqua Engineering be awarded the bid, but he thinks the City can hire interns to do the GIS for a lot less than \$80,000. He has reviewed the proposals with respect to the selection criteria listed in the RFP and his recommendation is to retain JUB to complete the water master plan study.

Councilmember Nelson said Water Superintendent Kade Maughan had contacted him also and Kade spoke very highly of Aqua Engineering and explained that without the GIS System JUB didn't submit a complete bid.

Councilmember Clawson said he too spoke with Water Superintendent Kade Maughan and Kade was concerned about JUB receiving the bid since it did not include GIS.

**ACTION**

**Councilmember James made a motion to table the award of bid for the Water Master Plan Study until the next City Council Meeting and during that time have City Staff have a discussion on hiring interns. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.**

**DISCUSSION ON RODEO GROUNDS AGREEMENT.**

Mayor Miller asked the City Council to review the Rodeo Grounds Rental and Deposit Agreement. It will be on the next City Council agenda for approval.

**DISCUSSION ON APPROVAL OF TRANSFERRING A TRAILER FROM POWER DEPARTMENT TO WATER DEPARTMENT.**

Mayor Miller said the Power Department was going to surplus a trailer; however, the Water Department wants the trailer. The Water Department didn't have money in its budget to purchase this trailer so there will need to be an adjustment to the budget at the end of the fiscal year.

**ACTION**

**Councilmember James made a motion to allow the Water Department to purchase the trailer from the Power Department and adjust the budget at the end of the fiscal year. Councilmember Adams seconded the motion and**

**Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.**

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Miller said over 80 letters were sent out by the Community Improvement Officer to residents in Hyrum with vehicles/trailers parked in the City's right-of-way. The next City Council Meeting there will be an ordinance creating the Administrative Land Use Authority Board, a Resolution setting fees for the Administrative Land Use Authority, and appointment to the Administrative Land Use Authority Board. It was determined to no longer hold a Hyrum City Princess Pageant.

Councilmember Nelson said he has been holding Emergency Response Meetings that have been very well attended. CERT Training has also started.

Councilmember Clawson asked if the City Council would help with the Easter Egg Hunt or handing out the Easter Eggs since he will not be in town.

**CLOSED SESSION - TO DISCUSS THE PURCHASE, EXCHANGE, SALE, OR LEASE OF REAL PROPERTY.**

**ACTION** Councilmember James made a motion to adjourn into a closed session at 9:24 p.m. to discuss the purchase, exchange, sale, or lease of real property. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

Those present in the Closed Session were Mayor Miller, Councilmembers Adams, Clawson, James, Nelson, and Rasmussen. The closed session was recorded "Hyrum City Council Closed Session - March 7, 2024".

**ACTION** Councilmember James made a motion to adjourn into an open session at 9:30 p.m. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

**CONSIDERATION AND APPROVAL OF THE PURCHASE OF REAL PROPERTY.**

**ACTION** Councilmember Clawson made a motion for the City to purchase the real property at 35 West 100 North for

\$525,000. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

**ADJOURNMENT:**

**ACTION**

There being no further business before the City Council, the Council Meeting adjourned at 9:35 p.m.

ATTEST:

\_\_\_\_\_  
Stephanie Miller  
Mayor

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Approved: March 21, 2024  
As Written