

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 16, 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, City Treasurer Todd Perkins, Power Superintendent Tom Cooper and three citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Councilmember Nelson

INVOCATION: Councilmember Rasmussen

APPROVAL OF MINUTES:

The minutes of a regular meeting on May 2, 2024 were approved as written.

ACTION Councilmember Clawson made a motion to approve the minutes of a regular meeting held on May 2, 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 May 2, 2024 as published. Councilmember Nelson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The

motion passed.

9. SCHEDULED DELEGATIONS
 - A. Mason Parker, UAMPS - To report on UAMPS projects with Hyrum City.
 - B. Gordon Bullen - To request approval of a Home Occupation Business License at 247 East Main Street to sell magic merchandise.
 - C. Chad Spencer, Church of Jesus Christ of Latter-day Saints - To request site plan approval for an expansion of a church house and parking lot at 95 North 675 West.
 - D. Matt Nielson, Sunset Fields Subdivision - To request final plat approval for Sunset Fields Subdivision a 17 single family lot subdivision located at 705 West 1100 South approximately 7.85 acres.
10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES
 - A. Resolution 24-17 - A resolution amending the Personnel Policies and Procedure Manual for Hyrum City Corporation to amend Section XII. Employment Classifications, Section XVI. Retirement Systems, and Section XVIII. Leave of Absences for Part Time Benefited Employees, and Part time Non Benefited Employees.
 - B. Resolution 24-18 - A resolution declaring a baseball field groomer as surplus and ordering the sale thereof.
 - C. Resolution 24-19 - A resolution amending Section III Employee Hiring of the Hyrum City Personnel Policies and Procedures Manual to comply with Utah State Code Section 9-7-218 requiring background check policy for library employees and volunteers.
 - D. Resolution 24-20 - A resolution approving the Hyrum City Library Fee Schedule.
 - E. Ordinance 24-05 - An ordinance amending Section 15.08.095 Construction Deposits - Lot Identification of the Hyrum City Municipal Code to require construction sites to have a garbage dumpster permit and setting conditions for the placement of garbage dumpster on the City right-of-way.
11. OTHER BUSINESS
 - A. Consideration and approval of utility billing write offs.
 - B. Consideration and approval of the annual State of Utah Fraud Risk Assessment.
 - C. Tentative adoption of the 2024-2025 Operating Budgets and set date for a public hearing.
 - D. Budget report.
 - E. Mayor and City Council reports.

F. Closed Session - To discuss pending or reasonably imminent litigation.

12. ADJOURNMENT

PUBLIC COMMENT:

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

Jared Imbler said he lives at 253 North 600 East. He said he understood the City is working on updating its General Plan and wanted to know the timeframe of when it will start and be completed. Also when will public be able to comment on the proposed revisions.

City Engineer Matt Holmes said the Request for Proposals for the update of the General Plan should be completed by the end of next week. It can take up to one year to revise, receive public comment, and adopt the plan.

Jared Imbler said he owns property next to Kurtis Knight's property at 350 East 300 North. He is concerned about the fill being brought in on the property when the owner has no permits and could be considered wetlands.

Councilmember Rasmussen the City needs to contact the Army Corp of Engineers to ensure the land is not wetlands. If the property is not wetlands than the property owner has the right to bring in fill. However, if the property is developed and the fill was unconsolidated the property owner will have to remove all the fill before developing any portion of it.

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

SCHEDULED DELEGATIONS:

MASON PARKER, UAMPS - TO REPORT ON UAMPS PROJECTS WITH HYRUM CITY.

Mason Parker with UAMPS said UAMPS was created in 1980 and consists of 50 public power utilities in seven western states. There are 16 projects and each project operates independent under the UAMPS umbrella. UAMPS Projects Resources: 25% is hydro; 15% is coal; 21% is natural gas; 30% purchases; and 9% miscellaneous resources.

Hyrum's resources come from: 39% PX; 3% IPP; 19% Nebo; 2% Horse

Butte; 5% Hunter; 6% CRSP; 20% Pool; 2% Sunnyside and 5% miscellaneous. Break down by resource type is 59% Purchases; 21% Natural Gas; 9% Coal; 6% Hydro; and 1% Solar .

UAMPS IRP recommendations are that UAMPS should engage and pursue development and acquisition of approximately 300 MW of CCGT and 200 MW of peaking generation in the Therma Plant Development and Acquisition. UAMPS should continue to pursue opportunities to identify and acquire PPAs or ownership in up to 300 MW of solar coupled with 150 MW of battery, and up to 300 MW of wind generation resources. Given both Nebo and Hunter 2 will reach the end of their commercial operating lives in 2035 and 2032, respectively, UAMPS should evaluate opportunities to extend the lives of both resources and undergo project life extension feasibility. Since generation development activities can be long-lead time items, UAMPS should evaluate feasible generation sites and either procure land options for future development or acquire the land now.

Mason Parker thanked the Hyrum City Council for allowing him to attend Hyrum City's Council Meeting to provide the City an update on UAMPS. He encouraged City Staff to contact UAMPS with any questions or help needed.

GORDON BULLEN - TO REQUEST APPROVAL OF A HOME OCCUPATION BUSINESS LICENSE AT 247 EAST MAIN STREET TO SELL MAGIC MERCHANDISE.

Gordon Bullen was not in attendance. This item was not discussed.

CHAD SPENCER, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS - TO REQUEST SITE PLAN APPROVAL FOR AN EXPANSION OF A CHURCH HOUSE AND PARKING LOT AT 95 NORTH 675 WEST.

Mayor Miller said the Church of Jesus Christ of Latter-Day Saint is requesting site plan approval for an expansion of a church house and parking lot at 95 North 675 West. On May 9, 2024 the Planning Commission recommended approval of the site plan with no conditions.

Chad Spencer with the Church of Jesus Christ of Latter Day Saints requested site plan approval for an expansion of a church house and parking lot at 95 North 675 West. The existing building addition will be approximately 2,600 square feet with the parking lots expansion being approximately 8,600 square feet. The expansion will provide additional parking spaces.

Councilmember Rasmussen said the plan needs to be updated to state

the 2021 building codes and not the 2018 building codes. He is concerned about the primary inlet box on the far northwest corner of the parking lot. Every winter the snow gets pushed into that location which creates a huge pile of snow. This will cause the box to be frozen over and drainage issues. He recommended moving the box to the west curb of the junction box before going into the retention system and then it will get the inlet out of the snow storage area. The curb will need to be regraded but it will help immensely with drainage. The demolition plan doesn't include a section of sidewalk that will most likely need to be removed when the injector pump gets moved and tied into the sewer line.

ACTION

Councilmember James made a motion to approve the Site Plan for an expansion of a church house and parking lot at 95 North 675 West with the condition that the plans be changed to reflect the 2021 building codes and not the 2018 building codes; and to address the drainage slope and issues in the parking lot. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Clawson, Nelson, and Rasmussen voted aye. The motion passed.

Councilmember Rasmussen recommended that a geotech comparison be conducted and compared this spring with the original geotech for soil studies that have been conducted in the neighborhood.

MATT NIELSON, SUNSET FIELDS SUBDIVISION - TO REQUEST FINAL PLAT APPROVAL FOR SUNSET FIELDS SUBDIVISION A 17 SINGLE FAMILY LOT SUBDIVISION LOCATED AT 705 WEST 1100 SOUTH APPROXIMATELY 7.85 ACRES.

Mayor Miller said Matt Nielson with Sunset Fields Subdivision is requesting final plat approval for Sunset Fields Subdivision a 17 single family lot subdivision located at 705 West 1100 South approximately 7.85 acres.

City Engineer Matt Holmes said the preliminary plat was started under the old subdivision process. Discussions with the Office of the Property Rights Ombudsman has stated that since this development was started under the process, the applicant may choose to continue under the code and process that was originally started. The applicant has asked that this final plat be submitted to the City Council under the former code for approval. Construction drawings will be finalized after the plat obtains approval.

Craig Rasmussen said there are eight items he feel needs to be

addressed on the plat. The conditions of approval for the preliminary plat have not been addressed. He is concerned to approve a plat when the previous plat conditions of approval have not been met. The developer still needs to address: City Boundary line location; Numeric discrepancy in distance between quarter corner sections that would impact closure of subdivision; irrigation easement states 15' but in dedication it states subject to easement provided to the parties indicated but doesn't indicate party - it needs to specify Hyrum City Irrigation 15' easement; Street monuments need to be shown on curbs; Notes Section #6 lots 1-3 and 10 are subject to 15' irrigation easement and lot 10 needs to be removed from that note; Note #7 needs to include a statement regarding no trees are to be planted nor structure is to be built over drip line and piping and structures and trees shall not be placed anywhere in the easement; CC&R needs to include a note stating the maximum driveway width is 20'; County Surveyor signature block needs to be removed; and CC&R in Section 1.6 needs clarification on the sunset clause and what is administrative control. These changes should have been made before he brought the final plat to the City Council. There have been no soil samples or percolation tests submitted which should have been done before the final plat approval. The City approved it with the condition that the soil samples were conducted to determine percolation.

Matt Nielson was reached by telephone and participated electronically through telephone at this time.

Councilmember Rasmussen reviewed all of the changes and amendments that were previously discussed earlier in the meeting when Matt Nielson was not reachable by phone. Before the City Council approves the final plat he would like to see the changes and corrections that should have been made to the preliminary plat. The changes to the preliminary plat were substantial to the stormwater and could certainly impact lot sizes based on infiltration and other factors. He has not seen a percolation or infiltration test to show what infiltration rate will be. When the sewer line was put in the depth was so deep because of clay, water level and gravel. The City needs to know if there is soil to percolate and at what depth.

Matt Nielsen said a soil test had been conducted and the water and gravel level was at 9 feet.

The City Council expressed its concerns about approving a final plat without the preliminary conditions being met and would prefer

to have the final plat submitted with all of the conditions.

Matt Nielson said he needs this subdivision approved because his financing option is running out of time. He asked if the City Council would approve the final plat with the condition and he would have no problem meeting those conditions.

ACTION

Councilmember James made a motion to approve the final plat for Sunset Fields Subdivision a 17 single family lot subdivision located at 705 West 1100 South approximately 7.85 acres with the condition that a copy of the revised plat be submitted to City Staff with all of the following corrections: 1. City Boundary line location; Numeric discrepancy in distance between quarter corner sections that would impact closure of subdivision; 2. irrigation easement states 15' but in dedication it states subject to easement provided to the parties indicated but doesn't indicate party - it needs to specify Hyrum City Irrigation 15' easement; 3. Street monuments need to be shown on curbs; 4. Notes Section #6 lots 1-3 and 10 are subject to 15' irrigation easement and lot 10 needs to be removed from that note; 4. Note #7 needs to include a statement regarding no trees are to be planted nor structure is to be built over drip line and piping and structures and trees shall not be placed anywhere in the easement; 6. CC&R needs to include a note stating the maximum driveway width is 20'; 7. County Surveyor signature block needs to be removed; 8. CC&R in Section 1.6 needs clarification on the sunset clause and what is administrative control; 9. A soil samples or percolation tests be submitted showing percolation can be achieved; and 10. The size and or number of lots may need to be reduced depending on water infiltration and other factors found in the soil study. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 24-17 - A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURE MANUAL FOR HYRUM CITY CORPORATION TO AMEND SECTION XII. EMPLOYMENT CLASSIFICATIONS, SECTION XVI. RETIREMENT SYSTEMS, AND SECTION XVIII. LEAVE OF ABSENCES FOR PART TIME BENEFITED EMPLOYEES, AND PART TIME NON BENEFITED EMPLOYEES.

Mayor Miller said Resolution 24-17 amends the Personnel Policies and Procedures Manual for Hyrum City Corporation to amend Section XII. Employment Classifications, Section XVI. Retirement Systems, and Section XVIII. Leave of Absences for Part Time Benefited. The proposed changes are due to Hyrum City qualifying as an applicable large employer under the Affordable Care Act. With over 50 full time equivalent employees the City is mandated to provide Health Insurance Coverage to any employee working 30 hours or more per week. The proposed amendments will reduce part time benefitted employees to not work over 29.75 hours per week and to not work under 29 hours per week. These employees will still accrue leave time at three-fourths of a full time employee. Part Time Non-Benefited employees will not be allowed to work over 28.75 hours per week.

ACTION

Councilmember James made a motion to approve Resolution 24-17 a resolution amending the Personnel Policies and Procedures Manual for Hyrum City Corporation to amend Section XII. Employment Classifications, Section XVI. Retirement Systems, and Section XVIII. Leave of Absences for Part Time Benefited. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

RESOLUTION 24-18 - A RESOLUTION DECLARING A BASEBALL FIELD GROOMER AS SURPLUS AND ORDERING THE SALE THEREOF.

Mayor Miller said Resolution 24-18 declares a baseball field groomer as surplus and ordering the sale thereof. Hyrum City has not used the field groomer in several years. Paradise Town has expressed an interest in purchasing it.

ACTION

Councilmember Adams made a motion to approve Resolution 24-18 a resolution declaring a baseball field groomer as surplus and ordering the sale thereof. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

RESOLUTION 24-19 - A RESOLUTION AMENDING SECTION III EMPLOYEE HIRING OF THE HYRUM CITY PERSONNEL POLICIES AND PROCEDURES MANUAL TO COMPLY WITH UTAH STATE CODE SECTION 9-7-218 REQUIRING BACKGROUND CHECK POLICY FOR LIBRARY EMPLOYEES AND VOLUNTEERS.

Mayor Miller said Resolution 24-19 amends Section III Employee Hiring of the Hyrum City Personnel Policies and Procedures Manual

to comply with Utah State Code Section 9-7-218 requiring background check policy for library employees and volunteers. The Library is required by Utah State Law to have its own Library Background Check Policy for library employees and volunteers.

ACTION

Councilmember Clawson made a motion to approve Resolution 24-19 a resolution amending Section III Employee Hiring of the Hyrum City Personnel Policies and Procedures Manual to comply with Utah State Code Section 9-7-218 requiring background check policy for library employees and volunteers. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

RESOLUTION 24-20 - A RESOLUTION APPROVING THE HYRUM CITY LIBRARY FEE SCHEDULE.

Mayor Miller said the Library Director reviewed the Library Fee Schedule and is recommending removing some of the fees for services that are no longer provided and to increase the library user card fee for Non Residents and Non Interlocal Residents to \$41.00 per year.

Councilmember Nelson asked why nonresidents were not charged a higher rate than a Hyrum City resident to use the Hyrum Library. He would like to see nonresidents have one-half times the cost of a Hyrum City or at least an equivalent annual fee of a Hyrum resident.

The City Council explained that the library is in Hyrum and its residents benefit more from it than a nonresident.

ACTION

Councilmember Clawson made a motion to approve Resolution 24-20 a resolution approving the Hyrum City Library Fee Schedule. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James and Rasmussen voted aye and Councilmember Nelson voted nay. The motion passed.

ORDINANCE 24-05 - AN ORDINANCE AMENDING SECTION 15.08.095 CONSTRUCTION DEPOSITS - LOT IDENTIFICATION OF THE HYRUM CITY MUNICIPAL CODE TO REQUIRE CONSTRUCTION SITES TO HAVE A GARBAGE DUMPSTER PERMIT AND SETTING CONDITIONS FOR THE PLACEMENT OF GARBAGE DUMPSTER ON THE CITY RIGHT-OF-WAY.

Mayor Miller said Ordinance 24-05 amends Section 15.08.095

Construction Deposits - Lot Identification of the Hyrum City Municipal Code to require construction sites to have a garbage dumpster permit and setting conditions for the placement of garbage dumpster on the City right-of-way.

ACTION Councilmember James made a motion to approve Ordinance 24-05 an ordinance amending Section 15.08.095 Construction Deposits - Lot Identification of the Hyrum City Municipal Code to require construction sites to have a garbage dumpster permit and setting conditions for the placement of garbage dumpster on the City right-of-way. Councilmember Clawson seconded the motion.

ACTION Councilmember Rasmussen made a substitute motion to approve Ordinance 24-05 an ordinance amending Section 15.08.095 Construction Deposits - Lot Identification of the Hyrum City Municipal Code to require construction sites to have a garbage dumpster permit and setting conditions for the placement of garbage dumpster on the City right-of-way with the following amendments: 1. Delete under C.2.b. "Until such resolution is adopted, no fees shall be assigned"; 2. C.3.b. after "Not obstruct traffic or be placed" replace "in the" with "within two feet of the"; and 3. C.2. after "The permit shall be for a period no to exceed" replace "XX" with "60". Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:

CONSIDERATION AND APPROVAL OF UTILITY BILLING WRITE OFFS.

Mayor Miller reviewed the list of delinquent utility accounts. The total proposed write-off is \$4,217.50 for the Fiscal Year 2023-2024. Delinquent accounts are sent to a collection agency, but after three years the accounts are deemed uncollectable and sent back to the City.

ACTION Councilmember James made a motion to approve the list of Fiscal Year 2023-2024 Delinquent Utility Accounts in the amount of \$4,217/50 as a write-off. Councilmember Nelson seconded the motion and Councilmembers Adams, Clawson, James, Nelson and Rasmussen voted aye. The motion passed.

CONSIDERATION AND APPROVAL OF THE ANNUAL STATE OF UTAH FRAUD RISK ASSESSMENT.

Mayor Miller said the City is required to file an annual Utah Fraud Risk Assessment with the State of Utah. Hyrum City ranks very low on the Fraud Risk Level.

ACTION Councilmember James made a motion to accept and approve the Annual State of Utah Fraud Risk Assessment. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Clawson, James, Nelson and Rasmussen voted aye. The motion passed.

TENTATIVE ADOPTION OF THE 2024-2025 OPERATING BUDGETS AND SET DATE FOR A PUBLIC HEARING.

ACTION Councilmember Rasmussen made a motion to adopt the tentative 2024-2025 Operating Budgets and to set the date for the public hearing for June 6, 2024. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye.

BUDGET REPORT.

Mayor Miller reviewed the April budget report and asked if the City Council had any questions. There are a couple of departments that have went over their budgets and she is going to address that with the Department Heads.

ACTION Councilmember Rasmussen made a motion to approve the April Budget Report. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Adams said he attended a Museum Meeting and he was very impressed on how passionate the Board Members are about preserving Hyrum's history. The Museum's Exhibits looked mazing and were interesting. He has been working on organizing National Night Out Against Crime.

Councilmember Rasmussen said the Museum Board has been able to get sponsors for Hot Wheels in June. There will be food trucks that will provide a variety of food options. There are numerous

preregistrations for vehicles. Friend Weller has agreed to provide music and broadcast the event over the radio. The Hyrum Historic Preservation Committee has completed the Founding Families Book and it is available to purchase. The Committee has also been working on history oral recordings from some of its elderly long-time citizens. There are three sessions, and each session is one hour. It is really informative, and the interviewees seem to truly enjoy the opportunity to share their memories.

Councilmember James said this year's Patriotic Speaker will be James Burton he is the U.S. Department of State and is an Honorary Consul of Germany.

Councilmember Nelson said he has been working with two LDS Stake Groups that want to help prepare totes as part of its emergency preparedness program. He had the opportunity to attend an emergency preparedness class at the Utah League of Cities and Towns and it was very informative.

Councilmember Clawson said Hyrum Irrigation Company has been busy cleaning canals and there should be water in the irrigation ponds by the weekend.

Power Superintendent Tom Cooper said next Friday will be his last day working for Hyrum City. He accepted a job at Brigham City. He thanked the City Council for their support and expressed his appreciation to them and the citizens of Hyrum.

CLOSED SESSION - TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION.

Mayor Miller called for a motion to adjourn into a closed session at 9:00 p.m. to discuss pending or reasonably imminent litigation.

ACTION

Councilmember Adams made a motion at 9:00 p.m. to adjourn into a Closed Session to discuss pending or reasonably imminent litigation. Councilmember James seconded the motion and Councilmembers Adams voted aye, Clawson voted aye, James voted aye, Nelson voted aye, and Rasmussen voted aye. The motion passed.

Time was taken to allow the radio station staff to remove broadcasting equipment from Council Chambers and then at 9:08 p.m. the City Council Chamber doors were closed to the public.

Those present in the closed session were: Mayor Miller,

Councilmember Adams, Clawson, James, Nelson, and Rasmussen, City Recorder Stephanie Fricke, and City Engineer Matt Holmes. The Closed Session was digitally recorded on "Closed Session - To Discuss Pending or Reasonably Imminent Litigation 5/16/2024".

At 9:26 pm the Council Chamber doors were reopened to the public.

ACTION Councilmember Rasmussen made a motion at 9:27 p.m. to adjourn the Closed Session and to open the meeting to the public. Councilmember James 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 9:27 p.m.

ATTEST: _____
Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: June 6, 2024
As Written