

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD DECEMBER 3, 2020, HELD ELECTRONICALLY THROUGH ZOOM VIDEO COMMUNICATIONS THE MEETING ID: 862-0113-7847 PASSWORD: YWQEIS. HYRUM CITY HELD THIS MEETING ELECTRONICALLY IN COMPLIANCE WITH UTAH GOVERNOR GARY HERBERT'S EXECUTIVE ORDER TO SUSPEND THE ENFORCEMENT OF PROVISIONS OF UTAH CODE 52-4-207, AND RELATED STATE AGENCY ORDERS, RULES AND REGULATIONS, DUE TO INFECTIOUS DISEASE COVID-19 NOVEL CORONAVIRUS.

ANY MEMBER OF THE PUBLIC HAD THE OPPORTUNITY TO REMOTELY OBSERVE THE MEETING OR COMMENT DURING THE PUBLIC HEARING ELECTRONICALLY THROUGH ZOOM VIDEO COMMUNICATIONS WITH THE FOLLOWING LINK: <https://us02web.zoom.us/j/86201137847?pwd=YzZFQUlaY2gzTmJ3WkUlcE5udjQ4QT09>

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Stephanie Miller

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

EXCUSED: Councilmember Vicky McCombs

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

OTHERS PRESENT: City Administrator Ron Salvesen, Zoning Administrator Matt Holmes, Secretary Hailey Maughan, and 26 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

APPROVAL OF MINUTES:

The minutes of November 19, 2020 were approved as written.

ACTION

Councilmember Clawson made a motion to approve the minutes of a regular meeting held on November 19, 2020 as written. Councilmember Rasmussen 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 the regular scheduled meeting on December 3, 2020 as written. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

8. SCHEDULED DELEGATIONS

- A. Kolton Braegger, Wiggins and Company - To present the 2019-2020 Audit Report.
- B. Katherine Van Alfen - To request a Home Occupation Business License at 458 South 100 East for Health Coaching.
- C. Megan Woolstenhulme - To request reservations for 2021 fitness classes at the Elite Hall.

9. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

- A. Resolution 20-17 - A resolution setting Sewer Service Rates.
- B. Resolution 20-18 - A resolution authorizing the Steel Solar Project Transaction Schedule under the Master Firm Power Supply Agreement with Utah Associated Municipal Power Systems; and related matters.
- C. Resolution 20-19 - A resolution authorizing Board Member to receive compensation for service on the Board of Directors of the Utah Local Governments Trust.
- D. Ordinance 20-05 - An ordinance amending the Municipal Zoning Map and annexing certain real property and extending the Corporate Limits of Hyrum City, Utah (*Mountain View Annexation*).

10. OTHER BUSINESS

- A. Consideration and approval of Fraud Risk Assessment.
- B. Discussion on Lewis Annexation Agreement.
- C. To discuss implementing an Electric Impact Fee.
- D. Mayor and City Council Reports.

11. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Dennis Gittins said he lives at 615 South 300 East and is concerned

about comments made at previous City Council meetings regarding the Lewis Annexation. Citizens have made comments about putting a road through his family's property on 600 South. His family does not want a road through their property, and he has no plans to develop the property anytime soon. He understands there needs to be a road from 300 East to 800 East but the road should be placed on the property being developed and not on his. When the Lewis Annexation first started there was a road planned for 6200 South. The landowner to the north of the Lewis property didn't want a road next to his house. Which has left the City looking at other locations for a road to alleviate traffic on 300 East. The Lewis family owned both sides of the property where the 6200 South would have been built. Residents don't want the Lewis' property to have a road that accesses 300 East, but there needs to be road somewhere 600 South is not an option. Without a road accessing 300 East from 6200 South there will not be an access from 300 South to 1100 South (6600 South County). That is a long distance for no access onto 300 East to 800 East. The City will need at least two more access roads as this area continues to develop.

Steve Miller said he is concerned about traffic along 300 East and keeping it a light traffic road so that people can continue to exercise on it. He asked if the Lewis property could access 800 East through Rolling Hills Estates rather than having a road that accesses 300 East.

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

SCHEDULED DELEGATIONS:

KOLTON BRAEGGER, WIGGINS AND COMPANY - TO PRESENT THE 2019-2020 AUDIT REPORT.

Kolton Braegger with Wiggins and Company presented the 2019-2020 Audit Report. 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, 2020 in the following areas: Budgetary Compliance, Fund Balance, Justice Courts, Restricted Taxes and Related Revenue, Open and Public Meeting Act, Fraud Risk Assessment, and Enterprise Fund Transfers, Reimbursements, Loans and Services. There was one Internal Control Finding and two State Compliance Findings. The Internal Control

Finding was Inventory. During observation of inventory there were discrepancies found between auditors count at year end and the City employees count. The auditors recommend one employee is assigned per department to order inventory and that two employees independently count inventory at year end. The employee who orders inventory should communicate to those who perform the counting of any shipments arriving near year end. City Response - The City will communicate with those that do the purchasing and those that do the inventory count as to not have shipments arriving near year end. The State Compliance Matters Findings were: 1. Fraud Risk Assessment - Fraud risk assessment was not presented in City Council Meeting before the end of the fiscal year end. The auditors are recommending the assessment be presented in the next available City Council Meeting. City Response -The City will present the Fraud Risk Assessment at tonight's City Council Meeting; and 2. Budgetary Compliance - During the Audit the Auditors noted that the Community Progress Department had actual expenditures in excess of the approved budget. City Response - The City will watch the budgets more carefully and bring the adjustments to the Council in a timely manner.

ACTION

Councilmember James made a motion to approve the 2019-2020 Audit Report. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

Kolton Braegger stated that he appreciates the work of employees and the relationship with the city staff.

KATHERINE VAN ALFEN - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 458 SOUTH 100 EAST FOR HEALTH COACHING.

Katherine Van Alfen said she wants to do health care coaching from her home. She will help people transition to a plant-based diet. Most of her business will be done through the internet but there maybe occasions where a client comes to her home.

Councilmember Rasmussen asked her if she had to be certified or if it was a State Managed license.

Katherine Van Alfen said her coaching is for diet only and there is no license or certification necessary. Her expertise comes from being self taught and a lot of reading.

ACTION

Councilmember James made a motion to approve a Katherine Van Alfen's request for a Home Occupation Business

License at 458 South 100 East for Health Coaching. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

MEGAN WOOLSTENHULME - TO REQUEST RESERVATIONS FOR 2021 FITNESS CLASSES AT THE ELITE HALL.

Megan Woolstenhulme said the free fitness classes at the Elite Hall have been a success and she has people asking if classes will be held in 2021 at the Elite Hall. She didn't know if she needed to come back to the City Council for its permission to allow the fitness classes to continue to be held for free at the Elite Hall in 2021. The fitness classes usually don't interfere with people walking in the Elite Hall.

ACTION

Councilmember Rasmussen made a motion to approve Megan Woolstenhulme's request for continued sponsorship of fitness classes at the Elite Hall based upon the following conditions: 1. That the classes are organized around building rental schedules; 2. Classes would need to be cancelled if there is a rental of the building; 3. Fitness Classes will not be on the online reservation schedule so that someone wanting to reserve the building for a paid rental activity can reserve the building; 4. All participants must sign a waiver; 5. Children are not allowed at night classes; 6. The building will need to be continued to be left clean; and 7. She will need to report biannually to the City Council about the classes. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 20-17 - A RESOLUTION SETTING SEWER SERVICE RATES.

Mayor Miller said the City Council approved Resolution 19-24 Setting Sewer Service Rates with an annual rate increase that must be reviewed by the City Council prior to the City implementing the automatic rate adjustment.

ACTION

Councilmember Clawson made a motion to approve Resolution 20-17 setting Sewer Service Rates. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen

voted aye. The motion passed.

RESOLUTION 20-18 - A RESOLUTION AUTHORIZING THE STEEL SOLAR PROJECT TRANSACTION SCHEDULE UNDER THE MASTER FIRM POWER SUPPLY AGREEMENT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; AND RELATED MATTERS.

Mayor Miller said Resolution 20-18 authorizes the Steel Solar Project transaction schedule under the Master Firm Power Supply Agreement with UAMPS.

ACTION Councilmember Clawson made a motion to approve Resolution 20-18 authorizes the Steel Solar Project transaction schedule under the Master Firm Power Supply Agreement with UAMPS. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

RESOLUTION 20-19 - A RESOLUTION AUTHORIZING BOARD MEMBER TO RECEIVE COMPENSATION FOR SERVICE ON THE BOARD OF DIRECTORS OF THE UTAH LOCAL GOVERNMENTS TRUST.

Mayor Miller said Resolution 20-19 authorizes a Board Member to receive compensation for service on the Board of Directors of the Utah Local Governments Trust. This Resolution must be approved annually.

ACTION Councilmember Rasmussen made a motion to approve Resolution 20-19 authorizing a Board Member to receive compensation for service on the Board of Directors of the Utah Local Government Trust. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

ORDINANCE 20-05 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH (MOUNTAIN VIEW ANNEXATION).

Mayor Miller said this is the final step for the Mountain View Annexation. The annexation agreement was discussed on November 19, 2020 and the recommended changes to the agreement have been made.

The City Council discussed changing the definition of a nonconforming use on Mitchell and Mary Kay Olsen's Annexation Agreement. It was decided for it to state "*A nonconforming use is a land use that was established when allowed by a zoning

ordinance and has been maintained continuously but is no longer allowed due to an ordinance change. A nonconforming use may be terminated if a use is discontinued for at least one year - it is presumed to be abandoned. However, Hyrum City may grant an additional one year period for a total of two years of nonuse, upon property owner's request to the Hyrum City Council. If the use is terminated, any future uses on the property must conform to current zoning ordinances."

ACTION

Councilmember James made a motion to adopt Ordinance 20-05 amending the Municipal Zoning Map and Annexing certain real property and extend the Corporate Limits of Hyrum City, Utah (Mountain View Annexation) with the following correction on the definition of a nonconforming use on Mitchell and Mary Kay Olsen's Annexation Agreement "*A nonconforming use is a land use that was established when allowed by a zoning ordinance and has been maintained continuously but is no longer allowed due to an ordinance change. A nonconforming use may be terminated if a use is discontinued for at least one year - it is presumed to be abandoned. However, Hyrum City may grant an additional one-year period for a total of two years of nonuse, upon property owner's request to the Hyrum City Council. If the use is terminated, any future uses on the property must conform to current zoning ordinances.". Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**CONSIDERATION AND APPROVAL OF FRAUD RISK ASSESSMENT.**

Mayor Miller said consideration and approval of the Fraud Risk Assessment was discussed earlier tonight during the Audit. Hyrum City Staff has filled out the Fraud Risk Assessment Questionnaire and upon the City Council's approval it will be submitted to the State Auditor's Office.

ACTION

Councilmember James made a motion to approve the Fraud Risk Assessment. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye. The motion passed.

DISCUSSION ON LEWIS ANNEXATION AGREEMENT.

Mayor Miller said as she said in the last City Council Meeting there regarding the Lewis Annexation Agreement, she wants it understood that she is against allowing the 6200 South road to access 300 East. Hyrum City has a responsibility to its current residents. The residents on 300 East are adamantly opposed to the intersection and she agrees that 300 East should remain a small country road where people can get outside and exercise without excessive traffic.

The City Council reviewed the Lewis Annexation Agreement and recommended the following changes:

1. Item 3. Zoning. Should state, "Zoning of subject property shall be:

Residential R-2:

01-070-0001, 01-070-0002, and 01-071-0001 - All of the property except for approximately 680 feet East to West and 985 feet North to South that is Zoned R-5.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;
THENCE NORTH 89°59'51" WEST, A DISTANCE OF 2004.56 FEET;
THENCE SOUTH 00°51'32" WEST, A DISTANCE OF 1.41 FEET TO THE POINT OF TRUE BEGINNING;
THENCE SOUTH 00°25'29" WEST, A DISTANCE OF 660.82 FEET;
THENCE SOUTH 89°41'12" WEST, A DISTANCE OF 649.04 FEET;
THENCE SOUTH 00°36'43" WEST, A DISTANCE OF 312.04 FEET;
THENCE NORTH 89°20'14" WEST, A DISTANCE OF 667.24 FEET;
THENCE NORTH 00°39'46" EAST, A DISTANCE OF 985.24 FEET;
THENCE SOUTH 89°16'20" EAST, A DISTANCE OF 666.21 FEET;
THENCE SOUTH 89°17'12" EAST, A DISTANCE OF 646.95 FEET TO THE POINT OF TRUE BEGINNING.
CONTAINING 24.99 ACRES.

This property is Zoned Residential R-2 with the following restrictions:

- A. No multi-family units i.e. apartments, townhouses, twinhomes, condominium units, etc. are allowed on this property.
- B. No Planned Unit Developments (PUDs) are allowed on this property.

Residential R-5:

01-070-0001 and 01-070-0002 - Approximately 680 feet East to West and 985 feet North to South.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;
THENCE NORTH 89°59'51" WEST, A DISTANCE OF 2004.56 FEET;
THENCE SOUTH 00°51'32" WEST, A DISTANCE OF 1.41 FEET;
THENCE NORTH 89°17'12" WEST, A DISTANCE OF 646.95 FEET;
THENCE NORTH 89°16'20" WEST, A DISTANCE OF 666.21 FEET TO THE POINT OF TRUE BEGINNING;
THENCE SOUTH 00°39'46" WEST, A DISTANCE OF 985.24 FEET;
THENCE NORTH 89°20'14" WEST, A DISTANCE OF 681.67 FEET;
THENCE NORTH 00°44'48" EAST, A DISTANCE OF 982.77 FEET;
THENCE SOUTH 89°32'42" EAST, A DISTANCE OF 680.24 FEET TO THE POINT OF TRUE BEGINNING.
CONTAINING 15.38 ACRES.

This property is Zoned Residential R-5 with the following restrictions:

- A. No Planned Unit Developments (PUDs) are allowed on this property."

2. Item 12. Transportation. Should state, "Applicant agrees that upon annexation of this property a road dedication from parcels 01-070-0001 and 01-070-0002 along 300 East (600 West) will be required to widen the 300 East (600 West) road to 68 feet; and half of the road dedication shall be provided by property on each side of the street. The road dedication will need to be made to Hyrum City Corporation.

Applicant and/or developers of this property understand and acknowledge that Hyrum City will not allow a road access from 700 South (6200 South) onto 300 East (600 West).

Residential buildings lots fronting 300 East (600 West) will be required to have ingress/egress access locations as required by Hyrum City's Engineer.

Applicant and/or developers understand and acknowledge that no residential lots (except for those lots that front 300 East as described above) will be approved without a road access into this property. Hyrum City will allow development under the following conditions: 1. Maximum number of residential building lots will be subject to current fire code; and 2. A second access to the property is required to 300 East (600 South) and/or Highway 165 for additional lots.

Councilmember Clawson said he wants a utility easement along 6200 South so that the City can send irrigation water into Hyrum Dam.

Councilmember Rasmussen said he disagrees with the elimination of the 6200 South road accessing 300 East. There is too great of a distance between 300 South and 1100 South for there not to be at least two other connectors roads from 300 East to 800 East. He has looked at the proposed location of 6400 South for a connector road and is greatly concerned about that location. He doesn't think the City should limit the location of a connector roads. The Bureau's property on 300 East 6400 South has completely sluffed off into the Dam and if someone was to miss the stop sign on 6400 South or slide through the stop sign the car would end up in dam. It is not a safe location for a main road.

Mayor Miller asked City Recorder Stephanie Fricke to make the proposed revisions to the Annexation Agreement with no road connection on 300 East from 6200 South.

TO DISCUSS IMPLEMENTING AN ELECTRIC IMPACT FEE.

City Administrator Ron Salvesen said the Electric Department is requesting the City implement an Electric Impact Fee to help with costs to ensure infrastructure is keeping up with growth. There will be a public hearing on January 7.

MAYOR AND CITY COUNCIL REPORTS.

Mayor Miller said Hyrum City's Roads and Water Superintendent Corey Nielsen is retiring after 42 years on January 15, 2021. Kade Maughan has accepted the Superintendent position. She met with the Youth Council Advisors regarding the Oath of Office Ceremony that usually takes place the first meeting in January. Due to COVID it was determined that the Oath of Office Ceremony will take place in the Spring when it can be held outside if necessary, so that family could attend the ceremony.

Due to COVID the Hyrum City Employee Christmas Party will not be held next week and hopefully can be held in the Spring.

ADJOURNMENT:

ACTION

There being no further business before the City Council, the Council Meeting adjourned at 8:30 p.m.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: January 7, 2021
As Written