

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 4, 2023 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, Vicky McCombs 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: Zoning Administrator Matt Holmes, 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 James

INVOCATION: Councilmember McCombs

APPROVAL OF MINUTES:

The minutes of a regular meeting on April 6, 2023 were approved as written.

ACTION

Councilmember James made a motion to approve the minutes of a regular meeting held on April 6, 2023 as written. Councilmember McCombs seconded the motion and Councilmembers Adams, Clawson, James, McCombs, 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 Annette Francis was unable to attend tonight's meeting and item 9.C. needs to be removed.

ACTION

Councilmember McCombs made a motion to approve the agenda as May 4, 2023, with the above amendment.

Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

9. SCHEDULED DELEGATIONS

- A. Elaine Park - To request use of the East Park parking lot for the Hyrum Farm Kids Market.

10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

- A. Resolution 23-09 - A resolution declaring certain Hyrum City equipment as surplus and ordering the sale or disposal thereof.
- B. Ordinance 23-02 - An ordinance amending Title 3, Chapter 3.04 (the Purchasing Ordinance) of the Hyrum City Municipal Code by amending Section 3.04.020 Objectives to define compliance and exemption from the policy with Federal Assistance Funds.

11. OTHER BUSINESS

- A. Consideration and award of bid for the landscaping of Blacksmith Fork Park.
- B. Consideration and approval of the Mt. Sterling Farms Park Agreement.
- C. Consideration and award of bid for monthly cleaning of Hyrum Civic Center.
- D. Presentation of the 2023-2024 Operating Budgets.
- E. Set a date for Budget Workshop.
- F. Budget Report.
- G. Mayor and City Council reports.

12. ADJOURNMENT

PUBLIC COMMENT:

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

Joe Tenant asked if the City was still considering selling its power company to Rocky Mountain Power?

Mayor Miller said the City was only looking at potential possibilities if power rates continued to escalate. At this time the City has decided to continue to monitor rates and expenditures closely rather than negotiating with Rock Mountain Power.

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

SCHEDULED DELEGATIONS:

ELAINE PARK - TO REQUEST USE OF THE EAST PARK PARKING LOT FOR THE HYRUM FARM KIDS MARKET.

Elaine Park said the children of Hyrum and other communities in Cache Valley have been using Hyrum City's East Park on Saturday mornings for the Hyrum Farm Kids Market. She asked if the City would allow them to use the parking lot again from June through August for the Farm Kids Market. She also asked if the Hyrum Farm Kids could use the Elite Hall in December for a one day winter market.

Councilmember McCombs reminded them to use the dumpsters by the rodeo grounds rather than the garbage cans by the Senior Center.

ACTION Councilmember James made a motion to approve the use of the East Park parking lot on Saturday mornings in June through August for the Farm Kids Market and to allow the use of the Elite Hall one Saturday in December for a Christmas Market. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 23-09 - A RESOLUTION DECLARING CERTAIN HYRUM CITY EQUIPMENT AS SURPLUS AND ORDERING THE SALE OR DISPOSAL THEREOF.

Mayor Miller said Resolution 23-09 declares certain Hyrum City equipment as surplus and ordering the sale or disposal thereof. There are two vehicles with a minimum bid of \$5,000 each, wooden benches, and a heat sealer.

ACTION Councilmember Clawson made a motion to approve Resolution 23-09 declaring certain Hyrum City equipment as surplus and ordering the sale or disposal thereof with the following amendments: 1. Remove the refrigerator; and 2. Change minimum bid from \$30.00 to \$300.00 for the heat sealer. Councilmember McCombs seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

ORDINANCE 23-02 - AN ORDINANCE AMENDING TITLE 3, CHAPTER 3.04 (THE PURCHASING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE BY AMENDING SECTION 3.04.020 OBJECTIVES TO DEFINE COMPLIANCE AND EXEMPTION

FROM THE POLICY WITH FEDERAL ASSISTANCE FUNDS.

Mayor Miller said Ordinance 23-02 amends Title 3, Chapter 3.04 (the Purchasing Ordinance) of the Hyrum City Municipal Code by amending Section 3.04.020 Objectives to define compliance and exemption from the policy with federal assistance funds. The proposed amendments were recommendation from Hyrum City auditors to address procurement and expenditures with federal assistance funding.

ACTION

Councilmember James made a motion to approve Ordinance 23-02 - An ordinance amending Title 3, Chapter 3.04 (the Purchasing Ordinance) of the Hyrum City Municipal Code by amending Section 3.04.020 objectives to define compliance and exemption from the policy with federal assistance funds. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**CONSIDERATION AND AWARD OF BID FOR THE LANDSCAPING OF BLACKSMITH FORK PARK.**

Mayor Miller said the City received four bids for the landscaping of Blacksmith Fork Park the remainder of the Skateboard Park.

<u>Contractor</u>	<u>Bid Amount</u>
S&B Landscaping	\$130,931.00
A&D Landscaping	\$164,773.10
Legacy Landscaping	\$188,000.43
Lindsey Landscaping	\$266,853.75

ACTION

Councilmember Clawson made a motion to award the bid to finish the landscaping of Blacksmith Fork Park Skateboard Park area to S&B Landscaping in the amount of \$130,931.00. Councilmember McCombs seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

CONSIDERATION AND APPROVAL OF THE MT. STERLING FARMS PARK AGREEMENT.

Mayor Miller said she, Zoning Administrator, and Councilmember Rasmussen met with the developers of Mt. Sterling Farms (Lifestyle

/ OLO) regarding amending the development agreement to have Hyrum City build and complete the park rather than the developer. The developer is proposing giving Hyrum City a portion of the money from the next seven lots that are sold until a total of \$250,000 has been received by the City from Lifestyle/OLO. The full payment will be paid before the City will record Phase 5. The land will be transferred under warranty conditions. No liens or other encumbrances may be transferred to the City. The developer will provide a warranty for the work in place as allowed in State Law. This work includes the irrigation system, the storm drain lines, vegetation, and grading. This warranty will be held for one year from the execution of this document. Repairs for any failure of the said improvements will be deducted from the warranty. Warranty amount is \$29,968.50. The developers are hoping that the lot sales will occur over the next seven months.

Zoning Administrator Matt Holmes said City Attorney John Jenkins reviewed the contract and recommended on item 4. LSH payment/Libbie Springs needs to be made clear that the amount includes both warranty amount and financial obligation of the developers. These payments are in addition to payment required in Section 2.

Mayor Miller said the City could get started with park improvements before receiving the funds if it decided to.

Councilmember James said he is concerned that the lots won't sell in a timely manner and then the City will have used tax payers dollars to build a park that a developer should have. The City has been in this position before when the economy dropped and he doesn't want to put the City in that position again. He doesn't like the idea of leaving it opened ended. These lots may be undesirable or unaffordable and then the City is out of its money. He suggested that the City give them six months to sell the lots and then after six months the City will charge interest and place a lien on all lots. The \$250,000 should be in our citizens' bank account and not a developer's bank account.

Councilmember Adams said they have known from the beginning that they were responsible for the park from and the developers should have planned appropriately.

ACTION

Councilmember James made a motion to table this item until the payment section in the agreement has been amended to include: 1. Full payment has to be made within six months rather than it being completely conditional upon the seven lots selling; 2. The City Attorney to

determine the appropriate method of collection if the money isn't paid within six months or if interest should just be charged; 3. A statement if payment isn't made within six months the developer will pay all legal fees; and 4. That Section 4 clarifies the amount owed includes both warranty amount and financial obligation of the developers. These payments are in addition to payment required in Section 2. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

CONSIDERATION AND AWARD OF BID FOR MONTHLY CLEANING OF HYRUM CIVIC CENTER.

Mayor Miller said she has been contacting cleaning companies to provide monthly deep cleaning to the Hyrum Civic Center. City Office staff have agreed to clean the building as needed when the building is checked after each use. The months of November and December when the Civic Center has a high use the building will be deep cleaned twice. This is not a contract.

<u>Contractor</u>	<u>1 x month</u>
Queen Bee	\$180.00
Hero Cleaning	\$340.00
SWAV Home & Business	\$350.00

ACTION

Councilmember James made a motion to award the bid to clean the Civic Center Queen Bee in the amount of \$180.00. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

PRESENTATION OF THE 2023-2024 OPERATING BUDGETS.

Mayor Miller distributed a copy of the 2023-2024 Operating Budgets proposal. If the City Council has any questions on the budget, they can contact her or City Treasurer Todd Perkins.

SET A DATE FOR BUDGET WORKSHOP.

A Budget Workshop will be held on May 18, 2023, at 5:00 p.m. in the Hyrum City Council Chambers.

BUDGET REPORT.

Mayor Miller reviewed the 2022-2023 Operating Budgets. General Fund: Revenues - Sales tax is running well ahead of projections. Sales tax from online sales and existing businesses helped considerably! Especially West Point, JBS, Johnsons, & Ridley's. Interest earnings have raised significantly going from ½ % last year to nearly 4 % this year. Expenditures - Expenditures are running in line with what was budgeted. The exception is building and grounds maintenance which is at 99.7 %. Windows were cleaned that hadn't been cleaned for several years. We had door repairs, including automatic doors and weather stripping replaced on doors in the city office, library, and civic center. Work was done on the HVAC system, and we need to replace the roof over the pavilion west of the civic center that was damaged from heavy snow. Employee insurance costs have also increased.

Water Fund: Revenues are in line with what was budgeted. Expenditures are lower than budgeted due to one less employee, the capital project on 900 West and 300 East waterline not yet being completed. We have \$3,525,799.48 in the cash reserve.

Sewer Fund: Revenues are ahead partly due to high interest earnings. Expenditures are lower than budgeted. Expenditures are down because the new drying beds haven't been built, and the belt press, compactor & screen haven't been purchased and installed. We have \$3,619,160.70 in the cash reserve.

Electric Fund: Revenues are 13 % higher than budgeted due to interest earnings and new connection fees. Expenditures are 6 % above what was budgeted for this time of year. We have made two out of three installments to pay for the big transformer. They have a truck that was budgeted for that they have not picked up yet. We have until June 30th to decide if we are able to get it from the dealer. Power costs have continued to decline since the peak we had this winter. We have \$1,374,099.90 in reserves.

Irrigation Fund: Revenues are about where they were expected. Impact fees collected are half than anticipated in the budget due to a slow down in building. Expenditures are low and will rise as repair costs to start up the system happen, and the delay of hiring an employee and secondary water meters. We should know more next month about secondary metering costs once the state engineers have the exemption application ready and we are able to apply. There is \$808,102.66 in cash reserves.

Storm Water Fund: Revenues are exactly what was budgeted. Expenditures are low because the 900 West project and 300 East waterline project have not been completed. There is \$778,474.32 in cash reserves.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Adams asked if the City wanted to continue to hand out water at the end of the parade. If so he needs to find help to pass out the water. Claude Williams is over the Main Street Mile and he has a difficult time in getting back to hand out water so it helps to have others do it. He is working on finding cars for the Distinguished Citizen, Grand Marshall, Mayor, and City Council to ride in during the parade. He asked Councilmember James He asked Councilmember James if he would be willing to ask BATC if it would work with JBS on making hamburger patties again this year for National Night Out Against Crime in August.

Councilmember McCombs said the Hyrum Senior Center will have a float in the parade and will need 3 cases of taffy; and the Hyrum Princess will need atleast 2 cases of taffy.

Councilmember Rasmussen said the flag display will take place in the Elite Hall again on the 4th of July. The Cold War Veterans program is coming together nicely and should be a great event. Hot Wheels in Hyrum will be in June and there are several vehicles are registered. There will be food trucks at the event.

Councilmember James said plans for the 4th of July is coming along great. Fireworks have been scheduled and it should be another great Patriotic Program. Recent changes to Utah State Law will require a reduction of Board Members serving on the Cache Valley Transit District Board. The Board will be reduced from 19 members to 9. There will be one representative from the communities on the south end rather than three. The Mosquito Abatement District has purchased two drones that will help with mapping and dropping of larvaside.

Councilmember McCombs said she has hired Karen Miner as the new cook at the Hyrum Senior Center. The Hyrum Princess Pageant will be held on May 12 at 6:30 p.m.

Councilmember Clawson said he appreciated the Youth Council's help with the Easter Egg Drive through rather than Easter Egg Hunt. With all of the snow still on the ground they handed out eggs to children in cars. There was a line of cars that wrapped through Civic Center parking lot to the City Office parking lot. He is going to order a new Easter Bunny costume for next year. Due to the snow the Irrigation Company has been unable to clean ditches and canal and there is a possibility that the ditches won't be

clean until the middle to the end of May.

Mayor Miller said the Cabin Candy will open on June 6 and will be open on Tuesdays, Wednesday, and Fridays. The date for the ribbon cutting ceremony for the Skateboard Park has not been set as of yet. Due to the excessive amount of snow the river is high and springs are over producing. Blacksmith River is so high that it is hitting the Canyon Campground bridge. Public Works has been extremely busy dealing with flooding issues. The restrooms in the Cemetery should be finished by Memorial Day.

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 7:52 p.m.**

ATTEST:

Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: May 18, 2023
As Written