

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 18, 2021, HELD ELECTRONICALLY THROUGH ZOOM VIDEO COMMUNICATIONS THE MEETING ID: 815 9922 9959 AND PASSWORD: 621358. 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/81599229959?pwd=ZlJlUmZ4UkloR09Lbllod3RvVlJuZz09>

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

**CONDUCTING:** Mayor Stephanie Miller

**ROLL CALL:** Councilmembers Steve Adams, Jared C. Clawson, Vicky McCombs, and Craig L. Rasmussen.

**EXCUSED:** Councilmember Paul C. James

**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 27 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 February 4, 2021 were approved as written.

**ACTION**

Councilmember McCombs made a motion to approve the minutes of a regular meeting held on February 4, 2021 as written. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, 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.

**ACTION**

**Councilmember Clawson made a motion to approve the agenda for the regular scheduled meeting on February 18, 2021 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, McCombs, and Rasmussen voted aye. The motion passed.**

## 6. PUBLIC COMMENT

## 7. PUBLIC HEARING

A. To receive public comment to consider adopting, enacting, and/or modifying Written Impact Fee Facilities Plans, Impact Fee Analyses, and imposing an Impact Fee by Ordinance for Hyrum City Power.

## 8. SCHEDULED DELEGATIONS

A. Chad Poppleton - To request a culinary water connection outside City Limits and/or discussion on annexation at 45 North 875 West.

B. Josh Runhaar, Neighborhood Housing Solutions - To request Preliminary Plat approval for Mountain View Estates South Subdivision, consisting of 175 single family building lots located approximately 500 South to 700 South and 1170 East to 1600 East.

C. Dan Larsen, Kartchner Homes - To request Preliminary Plat approval for Rolling Hills Subdivision, Phases 8-11, consisting of 44 single family building lots located between approximately 550 South to 700 South and 350 East to 625 East.

D. Dan Larsen, Auburn Hills LLC - To request Preliminary Plat approval for Auburn Hills Subdivision, Phase 7, consisting of 41 single family building lots located between approximately 650 East to 800 East and 600 South to 700 South.

## 9. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

A. Ordinance 21-01 - An ordinance enacting and adopting a policy for impact fees for electrical power services in Hyrum City; establishing and adopting Capital Facilities Plan, or other reasonable plans, and the associated impact fee analyses for the electrical power service; adopting impact fees for the provision of said services; and amending Chapter 3.24 of the Hyrum City Municipal Code.

## 10. OTHER BUSINESS

- A. Decision on continuance of Lewis Annexation.
  - B. Consideration and appointment to Hyrum Historic Preservation Committee.
  - C. 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.

Taft Barrington said he is concerned about the Lewis Annexation. The Lewis's have presented four proposals to the City with pros and cons. Some of the options look okay on paper but they are not accurate, nor do they reflect reality. The neighbors should have the right to discuss options since they are the ones that will be greatly impacted. He is not in favor of the Lewis' changing any of the property that was requested be Zoned R-5 to R-2. This area is more rural and the larger lots are more conducive to the neighborhood.

Laura Nielsen said the City is expanding so quickly and there are more houses being built now than ever before in Hyrum. Hyrum needs to have a plan for growth and then stay with it or the City will fail. The City needs to find away to have a transitional zone from higher residential lots to larger lots.

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

**PUBLIC HEARING:**

**TO RECEIVE PUBLIC COMMENT TO CONSIDER ADOPTING, ENACTING, AND/OR MODIFYING WRITTEN IMPACT FEE FACILITIES PLANS, IMPACT FEE ANALYSES, AND IMPOSING AN IMPACT FEE BY ORDINANCE FOR HYRUM CITY POWER.**

Mayor Miller said Hyrum City is holding a public hearing to consider adopting, enacting, and/or modifying written impact fee facilities plans, impact fee analyses, and imposing an impact fee by ordinance for Hyrum City Power.

**ACTION**

**Councilmember Clawson made a motion to open the public hearing at 6:35 p.m. Councilmember McCombs seconded the motion and Councilmembers Adams, Clawson, McCombs, and Rasmussen voted aye. The motion passed.**

Mayor Miller asked for public comment. There being none Mayor Miller called for a motion to close the public hearing.

**ACTION** Councilmember Rasmussen made a motion to close the public hearing at 6:36 p.m. Councilmember Clawson seconded the motion Councilmembers Adams, Clawson, McCombs and Rasmussen voted aye. The motion passed.

***SCHEDULED DELEGATIONS:***

**CHAD POPPLETON - TO REQUEST A CULINARY WATER CONNECTION OUTSIDE CITY LIMITS AND/OR DISCUSSION ON ANNEXATION AT 45 NORTH 875 WEST.**

Chad Poppleton said he is looking at the option of annexing his property at 45 North 875 West. He wants to build a house on his farm but does not want to annex the entire property. He wants to build on five acres and have access through Mt. Sterling Estates rather than through the 945 West (2000 West County) dirt road that accesses 300 North. The 945 West road is not a County Road and the property the road sits on is his. He doesn't want the land owners that use 945 West for agricultural purposes to be able to use it for residential use. He wants to keep the area agriculture. There is a canal that runs through the property and he will have to obtain permission from Wellsville East Field Canal to put a bridge over the Canal at 50 North 875 West. If he can use the 50 North road then he would not have to deed the 945 West road to the City. He needs a residential connection for culinary water. He already has a line down through the middle of his property for the dairy. There is also a power line that comes down 945 West and he would like to be able to use that line rather than running a line through 875 West. He does not want to connect to the City's sewer system nor extend the sewer lines. He has spoke with Cache County and it would be a better deal for him to annex into the City, but he must find ways to reduce his utility costs for him to build. This land is his inheritance, and he wants to put one home on the property for now. He is not against annexing all of the property if its required, but he doesn't want to dedicate property to the City for the 945 West road. He also asked if the City would decrease the amount of water he would have to turn in upon annexation.

Councilmember Rasmussen said if he was only building on five acres the City could put a stipulation in his annexation agreement that he would only need to turn in water shares for the property being developed and then upon further development the additional shares

would need to be turned into the City.

Chad Poppleton said he only has Wellsville East Field Canal Irrigation Shares and he wants to keep them so he can water the rest of his property.

Councilmember Rasmussen said 945 West will be a road one day and the City is working on a road master plan. There is not another road in that area that can serve Chad's property and the neighboring properties to the west of it.

Chad Poppleton said the county claims the road, but he owns it. He has three parcel of property and the road is on the West side of them. The road on 875 West is paved but stops at the canal and the bottom of the canal is four feet below the top of the asphalt. He thought it would be easy way to access his house. The 945 West road is gravel and dirt and he doesn't want to deal with the dirtiness every day. He cannot shut the 945 West road off from his neighbors because they use it for agricultural purposes. He is afraid of traffic coming on the road. At one time there was a gate to prevent people from using the road. He doesn't want the 945 West road opened and giving people access to the river bottoms.

Mayor Miller recommended the City Council discuss his/her concerns with City Staff or send an email. Then Chad would have an idea as to whether or not he wants to move forward with the annexation.

**JOSH RUNHAAR, NEIGHBORHOOD HOUSING SOLUTIONS - TO REQUEST PRELIMINARY PLAT APPROVAL FOR MOUNTAIN VIEW ESTATES SOUTH SUBDIVISION, CONSISTING OF 175 SINGLE FAMILY BUILDING LOTS LOCATED APPROXIMATELY 500 SOUTH TO 700 SOUTH AND 1170 EAST TO 1600 EAST.**

Mayor Miller said on February 11, 2021 the Hyrum City Planning recommended Preliminary Plat approval of Mountain View Estates South Subdivision consisting of 175 single family building lots located between approximately 500 South to 700 South and 1170 East to 1600 East with the following conditions: 1. Driveway access will be restricted on Hammer Road and 700 South; and 2. Vacate previously dedicated road from plans.

Josh Runhaar with Neighborhood Housing Solutions said the Preliminary Plat is identical to the Concept plan but includes additional details. One thing with the concept plan was to restrict access to Hammer Road on phase one and two along with restricting everything West to 1430 East to maintain the corridor access points.

Zoning Administrator Matt Holmes said the red square on the plan was previously dedicated to the road that will need additional steps to be done properly.

Councilmember Rasmussen said 700 South should be wider for a minor arterial road. 700 South will be a heavier used road and will line up with a future traffic light on 700 South 800 East. It is important to limit and minimize accesses on 700 South so it functions as a minor arterial road. There should be an 80' right-of-way on 700 South.

Josh Runhaar said with the road dedication from Mountain View Estates on 700 South and then the road dedication from property owners south of 700 South there should be more than an 80' right of way.

**ACTION**

**Councilmember Rasmussen made a motion to approve the Preliminary Plat for Mountain View Estates South Subdivision consisting of 175 single family building lots located between approximately 500 South to 700 South and 1170 East to 1600 East with the following conditions: 1. Driveway access will be restricted on Hammer Road and 700 South; 2. Vacate previously dedicated road from plans; and 3. The trail property be dedicated with the park. Councilmember Adams seconded the motion and Councilmembers Clawson, Adams, McCombs, and Rasmussen voted aye. The motion passed.**

**DAN LARSEN, KARTCHNER HOMES - TO REQUEST PRELIMINARY PLAT APPROVAL FOR ROLLING HILLS SUBDIVISION, PHASES 8-11, CONSISTING OF 44 SINGLE FAMILY BUILDING LOTS LOCATED BETWEEN APPROXIMATELY 550 SOUTH TO 700 SOUTH AND 350 EAST TO 625 EAST.**

Mayor Miller said on February 11, 2021 the Hyrum City Planning Commission recommended Preliminary Plat approval of Rolling Hills, Phases 8-11, consisting of 44 single family building lots located between approximately 550 South to 700 South and 350 East to 625 East as presented.

Dan Larsen said Rolling Hills Subdivision Phases 8-11 are similar to the other Phases previously built in Rolling Hills. The lots are all over 12,000'.

Councilmember Rasmussen said on Hyrum City's Transportation Master Plan it shows 600 South as a minor arterial road, but 600 South has not been developed that way. It is important that the City

maintain arterial roadways as development occurs. The South end of Phase 11 with the 400 East street is later in the discussions with the Lewis property. If it is determined to be annexed, then lots one hundred twenty-three and one hundred twenty-two need to be amended to have a radius on the corner lots.

**ACTION**

**Councilmember Rasmussen made a motion to approve the Preliminary Plat approval for Rolling Hills Subdivision, Phases 8-11, consisting of 44 single family building lots located between approximately 550 South to 700 South and 350 East to 625 East with the condition that Phase 11 lots 122 and 123 have a corner radius. Councilmember Clawson seconded the motion and Councilmembers Clawson, Adams, McCombs, and Rasmussen voted aye. The motion passed.**

**DAN LARSEN, AUBURN HILLS LLC - TO REQUEST PRELIMINARY PLAT APPROVAL FOR AUBURN HILLS SUBDIVISION, PHASE 7, CONSISTING OF 41 SINGLE FAMILY BUILDING LOTS LOCATED BETWEEN APPROXIMATELY 650 EAST TO 800 EAST AND 600 SOUTH TO 700 SOUTH.**

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 650 East to 800 East and 600 South to 700 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.

Dan Larsen said this is a standard subdivision meeting all requirements and City Code. He has met with City Staff on the parcel along the canal, and it will be deeded to the city and the canal company rather than doing an easement with residents.

Councilmember Clawson said 700 South and 800 East will be a main intersection in the future. Do the roads in Auburn Hills line up so traffic is funneled onto 700 South.

Councilmember Rasmussen said since 600 South does not follow the City's Transportation Master Plan then 700 South should be the minor arterial road.

Dan Larsen said since it is not shown on the City's Transportation

Master Plan and his development does not need it then it would be the City's responsibility to provide that road. UDOT does not require the 99' right-of-way so the City would de.

Dan Larsen said UDOT does not require the ninety-nine foot right of way just the city so the city would need to pay that cost.

City Administrator Ron Salvesen said he disagrees with Dan Larsen on the City being required to pay for the road he suggested Dan Larsen arrange a meeting with the State Ombudsman for a decision.

**ACTION**

**Councilmember Rasmussen made a motion to 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. Councilmember Clawson seconded the motion and Councilmembers Clawson, Adams, McCombs, and Rasmussen voted aye. The motion passed.**

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

**ORDINANCE 21-01 - AN ORDINANCE ENACTING AND ADOPTING A POLICY FOR IMPACT FEES FOR ELECTRICAL POWER SERVICES IN HYRUM CITY; ESTABLISHING AND ADOPTING CAPITAL FACILITIES PLAN, OR OTHER REASONABLE PLANS, AND THE ASSOCIATED IMPACT FEE ANALYSES FOR THE ELECTRICAL POWER SERVICE; ADOPTING IMPACT FEES FOR THE PROVISION OF SAID SERVICES; AND AMENDING CHAPTER 3.24 OF THE HYRUM CITY MUNICIPAL CODE.**

Mayor Miller said Ordinance 21-01 enacts the impact fee for Electrical Power Services in Hyrum City; establishing and adopting Capital Facilities Plan, or other reasonable plans, and the associated impact fee analyses for the Electrical Power Service; Adopting Impact Fees for the Provision of said services; and amending Chapter 3.24 of the Hyrum City Municipal Code.

Councilmember Rasmussen said Section 9. The statement "other than those expressly referenced in Section 1 above" be deleted; and to change "May 27, 2008" to "May 21, 2021".

**ACTION**

**Councilmember Rasmussen made a motion to approve Ordinance 21-01 - An ordinance enacting and adopting a policy for impact fees for electrical power services in Hyrum City; establishing and adopting Capital Facilities Plan, or other reasonable plans, and the associated**



impact fee analyses for the electrical power service; adopting impact fees for the provision of said services; and amending Chapter 3.24 of the Hyrum City Municipal Code with the amendments proposed with the proposed amendments to Section 9. the statement "other than those expressly referenced in Section 1 above" be deleted; and to change "May 27, 2008" to "May 21, 2021". Councilmember Clawson seconded the motion and Councilmembers Clawson, Adams, McCombs, and Rasmussen voted aye. The motion passed.

***OTHER BUSINESS:***

**DECISION ON CONTINUANCE OF LEWIS ANNEXATION.**

Councilmember Rasmussen said after reading the Lewis's counter proposal, the zoning discussion came into effect as applicable to options two, three, and four. There are more critical options rather than zoning. In option 1 there was no proposal to change zoning. After all the discussions and options, he still believes 700 South should connect to East. There needs to be a road to 800 East and 700 South is where there is currently an intersection and also most likely will be the next intersection for a traffic light. The City needs to figure out its Master Transportation Plan, so in a few months or years the City doesn't regret its decision.

Mayor Miller said tonight's agenda item is for the City Council to decide whether it wants to continue discussions on the Lewis Annexation or if the Council no longer wants to proceed.

Councilmember McCombs said she would like to continue discussion on the Lewis Annexation and resolve some of these issues because otherwise the City will be discussing it again in the future.

Councilmember Clawson said he also wanted to continue discussion on the Lewis Annexation. He would like an easement for an irrigation pipe to drain into the dam and he too would like to see the road issue resolved so there is a plan for future development of this area. There has to be a road somewhere and placement of the road will affect someone's property.

Councilmember Rasmussen said he thinks 700 South is the logical place for the road but there are ways to mitigate the impact to 300 East and that would be planning an arterial road that would go South to Paradise at approximately 400 East. A 400 East road would help with the flow of traffic and offer an alternate route rather

than 300 East.

Councilmember Adams said the City needs to listen to its existing residents and this may not be the right time to annex the property. There is so much opposition to this annexation that maybe the City should wait.

Councilmember Clawson said in the near future the Lewis's entire property may be developed since it is the natural progression for where growth would occur next. He would like a Transportation Master Plan in place so that everyone knows where these main roads are going to be built.

Councilmember Rasmussen said the biggest problem with this annexation is the location of a road. There has to be some give and take by the residents, Lewis's, and the City. This property will provide larger lots with a nice view. Hyrum City needs a variety of growth and the Lewis's land will help provide it.

Councilmember Rasmussen said he would like a moratorium put on growth until a new Transportation Master Plan could be adopted. He asked City Administrator Ron Salvesen and Zoning Administrator Matt Holmes if they could get an estimate on cost and a time frame.

The City Council agreed that a Transportation Master Plan study should be conducted.

Mayor Miller said that based on that decision by the City Council then the annexation will continue to move forward and the City Council will need to figure out what it wants and let the Lewis's and City Staff know.

#### **CONSIDERATION AND APPOINTMENT TO HYRUM HISTORIC PRESERVATION COMMITTEE.**

Councilmember Rasmussen recommended the appointment of Jack and Sarah Roberts to serve on the Hyrum Historic Preservation Committee.

#### **ACTION**

**Councilmember Rasmussen made a motion to appoint Jack and Sarah Roberts to serve on the Hyrum Historic Preservation Board. Councilmember McCombs seconded the motion and Councilmembers Clawson, Adams, McCombs, and Rasmussen voted aye. The motion passed.**

**Mayor and City Council reports.**

Councilmember Rasmussen said the Museum will be hosting Hot Dogs and Hot Wheels but it will be revised a little because of COVID. Sponsorship will be held differently, but the event should still draw in people.

Councilmember Clawson said there will be a Hyrum Irrigation System Board Meeting next Tuesday.

Mayor Miller said Councilmember James is working on the Patriotic Program for the Star Spangled Celebration. There will still be fireworks this year, but no parade or booths at the City Square. Building reservations will open up on April 1<sup>st</sup>. There have been a lot of rental inquiries so hopefully it goes well.

**ADJOURNMENT:**

**ACTION**                    **There being no further business before the City Council, the Council Meeting adjourned at 8:25 p.m.**

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

ATTEST:

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

Approved: March 18, 2021  
As Written