

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 4, 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.

OATH OF OFFICE: City Recorder Stephanie Fricke administered the Oath of Office to Councilmember Steve Adams, Councilmember Michael Nelson, and Councilmember Craig Rasmussen.

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

OTHERS PRESENT: Power Superintendent Tom Cooper, City Engineer Matt Holmes, and fifty-two 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 Nelson

APPROVAL OF MINUTES:

The minutes of a regular meeting on December 7, 2023 were approved as written.

ACTION Councilmember Clawson made a motion to approve the minutes of a regular meeting held on December 7, 2023 as written. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

The minutes of a special meeting on December 18, 2023 were approved as written.

ACTION Councilmember James made a motion to approve the minutes of a special meeting held on December 18, 2023 as written. Councilmember Rasmussen 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 January 4, 2024 as published. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

9. SCHEDULED DELEGATIONS

- A. Matt Nielson - To request Concept approval for a single family subdivision with 17 lots located at approximately 705 East 1100 South consisting of 7.85 acres.
- B. Jared Adams - To request Site Plan approval for two buildings in the Blacksmith Industrial Park located at 249 South 1810 East on approximately one acre.
- C. Curtis Knight - To request the rezone of 9 acres of property located at approximately 350 East 300 North from Residential Agricultural (R-A) to Light Industrial (M-1).
- D. Fire Chief Tony Stauffer - To discuss required fire safety checks with business license approval.
- E. Power Superintendent Tom Cooper - To discuss Carbon Free Power Project close out costs.

10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

- A. Resolution 24-01 - A resolution authorizing a Councilmember to automatically succeed to the position of Mayor Pro Tempore.
- B. Resolution 24-02 - A resolution authorizing any Senior Justice Court Judge or Justice Court Judge currently holding office within First Judicial District or in an adjacent County to serve as a Temporary Justice Court Judge in the Hyrum City Justice Court.
- C. Ordinance 24-01 - An ordinance repealing and reenacting Title 16 the Subdivision Ordinance of the Hyrum City Municipal Code.

11. OTHER BUSINESS

- A. Consideration and appointment to the Planning Commission.
- B. 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.

Eric Derr said he lives at 280 South 700 East and received a letter from Hyrum City's Attorney regarding moving a trailer that has been parked in the same location for over 10 years. The property the trailer is on is City Property but he has brought in gravel and it is setback from the corner so it is not impeding the view of traffic. He would like the City to allow him to continue to park his trailer there since it is not a real problem.

Mayor Miller said Hyrum City's Community Improvement Officer Jeff Hertzler had the City Attorney send Eric a letter when the City received no response and the trailer wasn't moved. She offered to meet with Eric during regular business hours to discuss this issue in further detail.

Scott Casas said he lives at 160 East 100 North and he is not in favor of the rezone request that will be discussed later in tonight's meeting. The property should not be rezoned to light industrial since it is located on all four sides by agricultural property. This property should not be considered to be rezoned until after the City updates its Master Plan.

Jared Imbler said he lives by the property that may be rezoned and he would like the City Council to consider the impact the light industrial zone will have on an agricultural area before it rezones the property. The rezone of this property is in direct conflict with the City's current General Plan. The property owners is requesting a rezone of property in the middle of the block and for land that is considered wetlands. Light industrial is not the best use for the neighborhood and he would ask the City Council to leave the zoning as agricultural.

Todd Higbee said he lives at 540 East 300 North through his experience in law enforcement he has seen the crime that storage units bring into an area. People use storage units to manufacture drugs, as housing, and also for theft. He bought his house knowing it was in an agricultural zone and does not want his house to be next to a light industrial zone.

Jeremy Wiegman said he owns property south of the property wanting to be rezoned. There are other areas in Hyrum already zoned light manufacturing and he recommends that the property owner go buy property in the areas where storage units are already allowed. He doesn't think this area is conducive for light industrial zoning.

Kenyon Livingston said he is a local ham radio operator and offered his help with the City's emergency ham radio system.

Shari Belew said she lives at 300 North 500 East and wants to express her opinion that she does not want the property at 350 North 500 East to be rezoned to light industrial.

Chantel Sanders said she lives at 590 East 300 North and feels that the rezone would take away from the feel of the neighborhood since it would allow for storage units and other light industrial uses.

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

SCHEDULED DELEGATIONS:

MATT NIELSEN - TO REQUEST CONCEPT APPROVAL FOR A SINGLE FAMILY SUBDIVISION WITH 17 LOTS LOCATED AT APPROXIMATELY 705 EAST 1100 SOUTH CONSISTING OF 7.85 ACRES.

Matt Nielsen said he owns the property at 705 East 1100 South and wants to create a 17 lot single family subdivision on the 7.85 acres. As per the annexation agreement the minimum lot size is 14,520 square feet with 99 feet of frontage.

Councilmember Clawson said there is an irrigation ditch that will need to be piped with a 24" pipe on the property and there can be no vinyl fences along the irrigation canal. He is also concerned about the road width on 6600 south and asked if Matt was planning on widening the road.

Matt Nielsen said he is in the process of acquiring the property directly north of his and if he is able to purchase the property the irrigation ditch will not be necessary. However, if he is unable to purchase the property he will pipe the irrigation ditch. As for the widening of 6600 South he will widen and pave the road to the standards the City requires.

Councilmember Nelson said Kyle Richardson owns property that is

adjacent to the east border of this property. There is a property line dispute that will need to be worked out before this subdivision is approved. The property line submitted by Matt Nielsen shows the property line going through the west end of the Richardson's home.

Councilmember Rasmussen said he has significant concerns with the plan for stormwater. The plan shows swales, however, with the high ground water table in the area and the number of swales that are filled in by homeowners, he is not in favor of swales in this area. The developer will need to provide an area for storm water since stormwater cannot be drained into a ditch that drains onto another person's property. The sidewalks and curb are not ADA accessible nor does the street intersection line up with the existing 740 East street. He recommended Matt Nielsen obtain a copy of the Pioneering Agreement with Hyrum Real Estate Development, LLC. regarding the reimbursement of utility line extensions. The name on the subdivision needs to remain consistent throughout all documents so it should be "Matt Nielson Subdivision" or "Nielsen Subdivision".

ACTION

Councilmember James made a motion to approve the Concept Plan for a single family subdivision with 17 lots located at approximately 705 East 1100 South consisting of 7.85 acres with the following conditions: 1. The name of the Subdivision be changed to be the same on all maps; 2. Stormwater swales be eliminated and a stormwater retention or detention area be included; 3. Sidewalks and accesses be ADA compliant; the intersection be aligned with the existing 740 East Street; 4. The Pioneering Agreement with Hyrum Real Estate Development LLC. be complied with; 5. The property line between Kyle Richardson and Matt Nielsen be determined; 6. The ditch through the property be piped and 7. The developer understands there is an estimated 2.5 year electrical component delay on equipment that will delay all electric connections. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, and Rasmussen voted aye, and Councilmember Nelson abstained. The motion passed.

JARED ADAMS - TO REQUEST SITE PLAN APPROVAL FOR TWO BUILDINGS IN THE BLACKSMITH INDUSTRIAL PARK LOCATED AT 249 SOUTH 1810 EAST ON APPROXIMATELY ONE ACRE.

Councilmember Adams said he will abstain from the discussion and

vote on this matter since Jared Adams was his cousin.

Justin Campbell said he is representing the owner Jared Adams. Jared wants to build two buildings in the Blacksmith Industrial Park located at 249 South 1810 East on approximately one acre. The buildings will be used as rentals for industrial tenants.

Councilmember Rasmussen said he provided a list of concerns to City Engineer Matt Holmes that he would like addressed as part of the site plan approval process. He is concerned about the landscaping and lack of fencing around the properties.

ACTION

Councilmember Rasmussen made a motion to approve the Site Plan for two buildings in the Blacksmith Industrial Park located at 249 South 1810 East on approximately one acre with the following conditions: 1. City Engineer Matt Holmes review his letter of concerns and address any issues that need to be resolved; 2. A fence be installed along the parking lot; 3. A title block with engineer information be included on plat; 4. The storm drain needs to be redesigned so the pipe is not full of water all of the time; and 5. The developer understands there is an estimated 2.5 year electrical component delay on equipment that will delay all electric connections. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

CURTIS KNIGHT - TO REQUEST THE REZONE OF 9 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 350 EAST 300 NORTH FROM RESIDENTIAL AGRICULTURAL (R-A) TO LIGHT INDUSTRIAL (M-1).

Korene Knight said Curtis Knight was unable to attend this meeting and asked her and their son Carther Knight to attend instead. They have purchased the property at 350 East 300 North and would like to rezone the 9 acres from Residential Agricultural to Light Industrial. There current plans for the property are to build storage units on it. Storage units are a great buffer zone between heavy industrial and residential. This property is near property that is already zoned heavy industrial and so their property would serve as a transitional area between heavy industrial and residential. Her husband has owned over 800 storage units and he takes pride in keeping his units clean and free of debris and litter. Curtis is a great neighbor and he works with property owners around his units.

Carther Knight said if the residents are not in favor of storage units on the property then current zoning would allow for them to build 25 homes on it. However, he feels like light industrial is a better use for the property. The storage units will help prevent urban sprawl. There will be no electricity in the units. Growth is imminent and this area is perfect for storage units. Some people may not like storage units but everyone has rented a storage unit at one time or another. There is a great need for storage units.

Councilmember Clawson asked how many units Curtis Knight still owned.

Korene Knight said Curtis had sold all of his storage units and currently does not own any.

Councilmember Clawson said once the property is zoned light industrial the property owner could build whatever type of business allowed in that zone. There is no guarantee Curtis would be the owner of the storage units since storage units can be sold at anytime, just like Curtis has done in the past.

Councilmember Adams said he does not feel this property is the right location for the light industrial zoned and recommended the Knight's purchase property already zoned light industrial if they want to build storage units. The City is working on updating its Master Plan and it would be disservice to the City and its residents to rezone the property before the study is finished.

Councilmember James said the City is amending its General Plan so that the community plans for the type of growth it wants rather than development dictating the way Hyrum grows. He would not be in favor of rezoning the property at this time.

Councilmember Nelson said he is concerned about the springs and water drainage in this area and the possibility of wetlands.

Carther Knight said the property does not have wetlands on it since none of the water drains into navigable water. The water on the property is from farmers irrigating adjacent property.

Councilmember Rasmussen said there is a high water table on that property due to its location and drainage from areas all over Hyrum and Paradise not just from farmers irrigating. This property is not surrounded by heavy industrial zoned property. This property is in the middle of agricultural property and he does not think

rezoning the property is in the best interest of Hyrum City.

ACTION

Councilmember James made a motion to deny Curtis Knight's request to rezone 9 acres of property located at approximately 350 East 300 North from Residential Agricultural to Light Industrial. Councilmember Rasmussen seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

FIRE CHIEF TONY STAUFFER - TO DISCUSS REQUIRED FIRE SAFETY CHECKS WITH BUSINESS LICENSE APPROVAL.

Fire Chief Tony Stauffer said he would like the City to comply with State Fire Code by require all business have an annual fire inspection before the business license is renewed. City Code requires an annual fire inspection be conducted but currently it is not being enforced. The City can set a fee for the fire inspections to help recoup the City's cost.

The City Council agreed with Fire Chief Tony Stauffer and asked him to work with City Staff to prepare amendments to the City Code if needed, and to prepare a resolution setting the fees for inspections.

POWER SUPERINTENDENT TOM COOPER - TO DISCUSS CARBON FREE POWER PROJECT CLOSE OUT COSTS.

Power Superintendent Tom Cooper said Hyrum City participated in the Carbon Free Power Project and unfortunately UAMPS has pulled out of the project which has left participants with an amount owing. Hyrum City's portion is \$450,000 to get out of the project. There are three options for the City to pay off the \$450,000. 1. The City can bond with UAMPS to pay the money over a three year period; 2. The City can pay for it out of the power department's reserves; or 3. UAMPS has held a margin account for all its members. This account was created to help in cases when power rates exceed projected costs and the City may be in need of funds to help pay its bill. Hyrum City's margin account has \$499,972, so there is enough funds to pay the \$450,000.

ACTION

Councilmember Adams made a motion for the City to pay the \$450,000 due from the Carbon Free Power Project with \$225,000 from the Power Utility reserves fund, and \$225,000 from the City's account with UAMPS.

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

INTRODUCTION AND APPROVAL RESOLUTIONS AND ORDINANCES:

RESOLUTION 24-01 - A RESOLUTION AUTHORIZING A COUNCIL MEMBER TO AUTOMATICALLY SUCCEED TO THE POSITION AS MAYOR PRO TEMPORE.

ACTION

Councilmember Clawson made a motion to approve Resolution 22-01 authorizing Councilmember Rasmussen to automatically succeed to the position of Mayor Pro Tempore. Councilmember Adams second the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

RESOLUTION 24-02 - A RESOLUTION AUTHORIZING ANY SENIOR JUSTICE COURT JUDGE OR JUSTICE COURT JUDGE CURRENTLY HOLDING OFFICE WITHIN FIRST JUDICIAL DISTRICT OR IN AN ADJACENT COUNTY TO SERVE AS A TEMPORARY JUSTICE COURT JUDGE IN THE HYRUM CITY JUSTICE COURT.

ACTION

Councilmember Clawson made a motion to approve Resolution 24-02 authorizing any Senior Justice Court Judge or Justice Court Judge currently holding office within First Judicial District or in an adjacent County to serve as a Temporary Justice Court Judge in the Hyrum City Justice Court with the following amendment to paragraph 3 change "Mantua" to "Hyrum". Councilmember Adams seconded the motion and Councilmember Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

ORDINANCE 24-01 - AN ORDINANCE REPEALING AND REENACTING TITLE 16 THE SUBDIVISION ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE.

Mayor Miller said Ordinance 24-01 will repeal and reenact Title 16 of the Subdivision Ordinance of the Hyrum City Municipal Code. Utah State Code Section 10-9a-6 was amended by Senate Bill 174 in 2023 to standardize the administrative subdivision approval process for single family houses, two family houses, and townhouses. The amendments required in Sente Bill 174 must be adopted by Hyrum City and other municipalities with similar population by February 1, 2024. State Law no longer allows the City to require a Concept Plan nor for the City Council to be a part of the approval process for the Preliminary Plat, and Final Plat approval.

The City Council discussed its concerns with the State Legislature mandating the City Council can not be part of the approval process for subdivisions. The City Council is responsible for ensuring infrastructure can meet the needs of growth. The proposed changes will eliminate the City Council from this process therefore it may be able to address concerns that developments in certain areas may create. The law requires an Administrative Land Use Authority to approve the subdivisions and the City Council discussed that this committee should be addressed in code of who the committee members are. The Committee needs to be made up professionals, such as the City Engineer and a representative from an outside engineering firm that does work for Hyrum, surveyors, planners, etc. to ensure that these developments meet City Code. The fees for these professionals need to be paid by the developers. The City Council also discussed several other concerns and determined it would be best for suggestions to be given to City Engineer Matt Holmes for him to incorporate in a draft for the next City Council Meeting.

ACTION

Councilmember James made a motion to table Ordinance 24-01 repealing and reenacting Title 16 the Subdivision Ordinance of the Hyrum City Municipal Code until the next City Council meeting. Councilmember Clawson seconded the motion and Councilmember Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**CONSIDERATION AND APPOINTMENT TO THE PLANNING COMMISSION.**

Mayor Miller said Planning Commission Member Dixie Clawson is moving from Hyrum and needs to be replaced. Steven Nelson has been asked to serve on the Planning Commission. Steven holds a master's degree in public administration and is a certified City Planner. He worked for Nibley City and is now the Director of Development Services with Cache County.

ACTION

Councilmember James made a motion to appoint Steven Nelson as member of the Hyrum Planning Commission. Councilmember Adams seconded the motion and Councilmember Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Mayor Miller said former City Councilmember Vicky McCombs wanted to express her appreciation to City Staff and fellow City Councilmembers for their help and support during her term as a City Councilmember. Hyrum City has rebid the asbestos removal for the house by the cemetery. The bids came in just under the budget of \$50,000. She is sending a UDOT a letter requesting the crosswalk on 100 West Main Street remain a crosswalk since that is a high pedestrian crossing area for those residents on the west side of Hyrum.

Councilmember Adams said he will be attending a meeting on Parade Safety next Monday.

Councilmember Rasmussen said Museum Director Jami VanHuss will be at the first City Council meeting in February to present her end of the year report.

Councilmember James said he has been asked to serve on the Valley Wide Recreation Facility Committee.

Councilmember Nelson said he has met with the Culinary Water Superintendent Kade Maughan regarding the culinary water needs of Hyrum City. A 40 Year Culinary Water Master Plan Study needs to be conducted to ensure that we have enough water and to determine needs and location of future reservoirs and wells.

Councilmember Clawson said Cache County is working with Hyrum Irrigation Company on a solution to help with the leak in the canal in Avon. The County is considering widening the road and relocating the canal which would eliminate the leak.

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 9:15 p.m.**

ATTEST:

Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: January 18, 2024
As Written