

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD AUGUST 17, 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, Vicky McCombs, and Craig L. Rasmussen.

**EXCUSED:** Councilmembers Jared Clawson, and Paul James

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

**OTHERS PRESENT:** Zoning Administrator Matt Holmes, Power Superintendent Tom Cooper, and 10 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Mayor Miller

**INVOCATION:** Councilmember McCombs

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on August 3, 2023 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of a regular meeting held on July 20, 2023 as written. Councilmember McCombs seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.

The minutes of a special meeting on August 7, 2023 were approved as written.

**ACTION** Councilmember Rasmussen made a motion to approve the minutes of a regular meeting held on July 20, 2023 as written. Councilmember Adams seconded the motion and Councilmembers Adams, 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 McCombs made a motion to approve the agenda for August 17, 2023 as written. Councilmember Adams seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.**

## 9. SCHEDULED DELEGATIONS

A. Blake Leonelli, Waste Management - To discuss options for green waste services.

## 10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

A. Resolution 23-18 - A resolution supporting the Board Apportionment of the Cache Valley Transit District in compliance with Utah Code 17B-2a-807 effective January 1, 2024.

B. Resolution 23-19 - A resolution setting electrical power monthly service fees and power rates for all customers receiving electrical power from the Hyrum City Municipal Power System.

## 11. OTHER BUSINESS

A. Consideration and approval of appointments to Senior Center Board.

B. Set date for a workshop with Planning Commission to discuss updating Hyrum City's General Plan.

C. Discussion and decision on maintenance and liability of the dirt road at 2200 West Highway 101 to 400 North.

D. Consideration and award of bid for installation of tailings for trail on Little Feeder Ditch and Hollow Ridge Road; and Canyon Parking Lot & Retaining Wall.

E. Consideration and award of bids for the 2023-2024 Road Projects.

F. Consideration and approval of Hyrum City as the Contractor for the 900 West Road Rebuild Project.

G. Consideration and approval of an agreement between Questar Gas Company dba Dominion Energy Utah and Hyrum City for a Natural Gas Facility.

H. 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.

Rick Risueno said he lives at 415 East 400 South and he is disappointed that the residential green waste bins will no longer be serviced. There is a lot of green waste accumulation from residential lots. Disposal of green waste helps reduce mosquitoes, other insects, and messiness in the neighborhoods. How are residents expected to maintain a clean and attractive yard when they will not have a way to dispose of green waste except for hauling it away themselves. He asked who decided and approved the new waste management contract. He doesn't understand how it could have been approved without taking into consideration green waste removal.

Mathew Coltrin said he met with the City Council on July 20, 2023, to discuss allowing him to put vending machines in City Parks. On August 3, 2023, the City Council made a motion to not allow private vending machines in parks. If private vending machines cannot be in City Parks, then why can private vendors come in and sale food at a City Park during Hyrum Hornets games.

The City Council explained that the vendors at the Hyrum Hornet Games only provide a service during the games and do not leave any equipment at the park.

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

***SCHEDULED DELEGATIONS:***

**BLAKE LEONELLI, WASTE MANAGEMENT - TO DISCUSS OPTIONS FOR GREEN WASTE SERVICES.**

Blake Leonelli with Waste Management said Waste Management is preparing to provide service to the cities and towns in the Cache Waste Consortium. The Cache Waste Consortium was created when Logan City decided it was no longer going to provide solid waste services to residents outside of Logan City. The Mayors of the cities and towns participating in the Cache Waste Consortium did a thorough and great job in their process to contract for solid waste services. Waste Management is the largest hauler of recyclable and green waste materials in North American. There is an abundance of green waste and the challenge is providing a use for the green waste. Hauling, disposing, and recycling of green waste is not free. Two hours ago Waste Management decided to continue to provide green waste services through October and then

after October there will need to be a decision made by the Cache Waste Consortium if it wants to continue with the green waste service and at what cost. Bi-weekly is more affordable than weekly service but it will be a decision for the consortium. Currently, Logan City treats green waste as trash and Waste Management will do the same. There is no reason a resident could not put green waste in his/her regular black trash cans. The green waste is being disposed of the same way trash is.

The City Council asked about costs for green waste service and what Logan City will charge to dump green waste.

Blake Leonelli said Waste Management is currently working with Logan City to determine the costs of green waste. Once Waste Management has the costs and a rate it will charge Waste Management will meet with the Consortium.

#### ***INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES***

#### **RESOLUTION 23-18 - A RESOLUTION SUPPORTING THE BOARD APPORTIONMENT OF THE CACHE VALLEY TRANSIT DISTRICT IN COMPLIANCE WITH UTAH CODE 17B-2A-807 EFFECTIVE JANUARY 1, 2024.**

Mayor Miller said Resolution 23-18 supports the Board Apportionment of the Cache Valley Transit District in compliance with Utah Code 17B-2A-807 and will be effective January 1, 2024.

Shuan Bushman with the Cache Valley Transit District said State Law has changed reducing the number of Board Members on the Transit Committee from 19 members to 9 members. Hyrum will now share a member with Millville and Nibley. It will be up to the Mayors and City Councils to collaboratively agree on one representative.

#### **ACTION**

**Councilmember Rasmussen made a motion to approve Resolution 23-18 - a resolution supporting the Board Apportionment of the Cache Valley Transit District in compliance with Utah Code 17B-2A-807 effective January 1, 2024. Councilmember McCombs seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.**

#### **RESOLUTION 23-19 - A RESOLUTION SETTING ELECTRICAL POWER MONTHLY SERVICE FEES AND POWER RATES FOR ALL CUSTOMERS RECEIVING ELECTRICAL POWER FROM THE HYRUM CITY MUNICIPAL POWER SYSTEM.**

Mayor Miller said Resolution 23-19 sets the electrical power

monthly service fees and power rates for all customers receiving electrical power from the Hyrum City Municipal Power System. On September 1, 2022 the Hyrum City Council approved Resolution 22-16 setting power rates and approving a Purchased Power Adjustment Clause (PPAC) that would be adjusted from time to time depending on power costs. On February 2, 2023 the Hyrum City Council approved Resolution 23-04 adjusting the PPAC from \$.00 to \$.02 kWh for all classes of service. The PPAC has not been changed since February and it is being recommended by Dave Berg Consulting and City Staff to adjust all utility class service rate schedules to include the \$.02 kWh in the energy charge rather than continuing to impose a PPAC at this time.

Tom Cooper, Hyrum Power Superintendent, said the PPAC is meant to be a temporary charge but with increasing power rates it will most likely be a permanent charge and therefore the base rate should be adjusted to include the PPAC at this time, which would then reduce the PPAC to \$.00 kWh.

**ACTION**

**Councilmember McCombs made a motion to approve Resolution 23-19 - a resolution setting electrical power monthly services fees and power rates for all customers receiving electrical power from the Hyrum City Municipal Power System. Councilmember Adams seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.**

***OTHER BUSINESS*****CONSIDERATION AND APPROVAL OF APPOINTMENTS TO SENIOR CENTER BOARD.**

Councilmember McCombs said there are two vacancies on the Hyrum Senior Center Board. Lynn Coulam has agreed to serve in one of those positions.

**ACTION**

**Councilmember Adams made a motion to appoint Lynn Coulam to the Hyrum Senior Center Board. Councilmember Adams seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.**

**SET DATE FOR A WORKSHOP WITH PLANNING COMMISSION TO DISCUSS UPDATING HYRUM CITY'S GENERAL PLAN.**

Mayor Miller said in January of 2023 the Hyrum City Council held a planning workshop and updating the General Plan was one of the projects the City Council wanted to have started. The Planning

Commission has its regular scheduled meeting on September 14, 2023 and it is a short agenda. A joint meeting could be held at 7:00 p.m. on Thursday, September 14 after the Planning Commission to discuss ideas to help amend the General Plan.

**DISCUSSION AND DECISION ON MAINTENANCE AND LIABILITY OF THE DIRT ROAD AT 2200 WEST HIGHWAY 101 TO 400 NORTH.**

Mayor Miller said City Attorney Jon Jenkins on August 8, 2023 wrote an attorney client privileged memorandum regarding his opinion and recommendation regarding the maintenance of a road located off Highway 101 in Hyrum at 2200 West. The owner of property accessed via the road in question has requested the City maintain the road or has stated the City is required to do so. He reviewed the ordinances, city council meeting minutes, and statutes and has made the following recommendation: The City is not required to maintain any portion of the road used to access any of the three homes, including Clay Buttar's property. The City is not required to maintain the road for at least four reasons: (1) the road was never dedicated as a public street; (2) the road is not wide enough and appears insufficient for dedication as a public street; (3) the City's past conduct has not made the street a public street; and (4) a significant portion of the road is not within City limits. The City should not assume the responsibility to maintain the road in question because it is not a City street. He went into further details to explain his decision on each of these issues.

Clay Buttars said the road on 2200 West is the only road that accesses the High Valley Subdivision common space. People going to that park often use that road and park in front of his home. He wants the City to provide services to his house like the City does for every other home in Hyrum. He understands the majority of the road is not inside City limits but he would like the City to snow plow the road and grade it twice a year.

Councilmember Rasmussen said he can understand the homeowner's frustration with the City for not maintaining the access in front of his house, however, it was never approved or dedicated as a City street nor was it ever the intent of the City to maintain it as a road. The ordinance annexing the property specifically states that the City will not maintain the road. He agrees with the City Attorney that Hyrum City should not maintain the road. There are costs and liabilities associated with maintenance and snow removal of the road when it is not dedicated as a City road, it is not paved, nor is the majority of the access inside City limits.

Councilmember Adams said he doesn't see it as a big issue for the City to grade the road twice a year and to provide snow removal on the part of the road that is inside City Limits.

Councilmember McCombs said when there is a snow storm the City's road crew is busy trying to keep the roads that are inside the City safe and there are times they are unable to get to City owned parking lots such as the Senior Center until the day after the storm. The road is not a road it is a private driveway and should be treated as such. She would be fine with grading the road twice a year but she is opposed to snow plowing the road due to overtime pay, not enough personnel to plow city streets, and the liability if the City hit something.

Clay Buttars asked if the City Council would approve the grading of the road and snowplowing the road at tonight's meeting.

Councilmember Rasmussen said there are only three Councilmembers present tonight and it would need a unanimous vote to pass, and he doesn't think the vote tonight would be unanimous.

**ACTION**

**Councilmember Rasmussen made a motion to continue this discussion when more City Councilmembers are present. Councilmember Adams seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.**

**CONSIDERATION AND AWARD OF BID FOR INSTALLATION OF TAILINGS FOR TRAIL ON LITTLE FEEDER DITCH AND HOLLOW RIDGE ROAD; AND CANYON PARKING LOT & RETAINING WALL.**

Mayor Miller said Hyrum City received the following bids.

*Little Feeder Trail/Hollow Ridge Road:*

M.R. Zilles Transportation & Excavation	\$49,224.00
Leishman & Sons Enterprises	\$76,847.00
Legrand Johnson	\$84,970.00

*Canyon Parking lot/Retaining Wall:*

M.R. Zilles Transportation & Excavation	\$148,350.00
*Legrand Johnson	\$ 95,139.00
Leishman & Sons Enterprises	\$150,918.90

\*Legrand had no Retaining Wall bid.

City Engineer Matt Holmes said there has been a question as to whether M.R. Zilles Transportation & Excavation is licensed and insured to be conducting this type of business. He contacted Mitch Zilles about being licensed and insured and Mitch said he was using Granges License and insurance. He then contacted the State of Utah and the State said as long as Mitch in a W-2 employee of Granges then he could use Granges' license.

Councilmember Rasmussen said the City needs to ensure that the work is covered by the insurance company as well as by workers compensation. If the work is faulty or if M.R. Zilles is unresponsive the City has to have the ability to file an insurance claim. If M.R. Zilles is legally covered both by license and insurance through Granges then the City needs a notarized letter from Granges allowing the City to file suit and also a letter from the insurance company stating it will cover M.R. Zilles since he is W-2 employee of Granges.

**ACTION**

**Councilmember Rasmussen made a motion to award the bids to M.R. Zilles Transportation and Excavation in the amount of \$49,244 for the Little Feeder Trail and Hollow Ridge Road, and \$148,350.00 for the Canyon Parking Lot and Retaining Wall with the following conditions: M.R. Zilles provides a letter from Granges' insurance company stating that M.R. Zilles is covered as a W-2 contract employee; 2. A letter stating that M.R. Zilles is covered under Granges' Workers Compensation Insurance; and 3. A letter from State of Utah confirming that a W-2 employee with a separate company name is covered under Granges' contractor's license. If the above conditions cannot be met then the bid will be awarded to Leishman & Sons Enterprises in the amount of \$76,847.00 for the Little Feeder Trail and Hollow Ridge Road, and \$150,918.90 for the Canyon Parking Lot and Retaining Wall if Leishman & Sons meets all the license and insurance requirements. Councilmember McCombs seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.**

**CONSIDERATION AND AWARD OF BIDS FOR THE 2023-2024 ROAD PROJECTS.**

Mayor Miller said Hyrum City received three bids for the 2023-2024 Road Rebuild Projects and two bids for the Crack Seal/Slurry Seal Projects.



*Road Rebuild:*

Staker Parson	\$ 513,718.00
Legrand Johnson	\$ 523,211.40
Morgan Pavement	\$1,029,388.48

*Seal and Slurry Seal Projects:*

Morgan Pavement	\$120,611.53
M & M	\$132,196.54

**ACTION**

Councilmember Adams made a motion to award the 2023 - 2024 Road Rebuild Projects bid to Staker Parson in the amount of \$513,718.00; and the Seal and Slurry Seal Projects bid to Morgan Pavement in the amount of \$120,611.53. Councilmember Rasmussen seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.

**CONSIDERATION AND APPROVAL OF HYRUM CITY AS THE CONTRACTOR FOR THE 900 WEST ROAD REBUILD PROJECT.**

Mayor Miller said Hyrum City will act as the contractor for the 900 West Road Rebuild Project since it will save the City money and the project needs to be bid in separate phases due to utility right of ways with Union Pacific Railroad.

**ACTION**

Councilmember Rasmussen made a motion to approve Hyrum City as the contractor for the 900 West Road Rebuild Project. Councilmember Adams seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.

**CONSIDERATION AND APPROVAL OF AN AGREEMENT BETWEEN QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH AND HYRUM CITY FOR A NATURAL GAS FACILITY.**

Mayor Miller said the amendments the City Council recommended have been made to the Agreement between Questar Gas Company DBA Dominion Energy Utah and Hyrum City for a Natural Gas Facility.

**ACTION**

Councilmember Rasmussen made a motion to approve an Agreement between Questar Gas Company DBA Dominion Energy Utah and Hyrum City for a Natural Gas Facility. Councilmember McCombs seconded the motion and Councilmembers Adams, McCombs, and Rasmussen voted aye. The motion passed.

**MAYOR AND CITY COUNCIL REPORTS.**

Mayor Miller said Lynn Coulam asked the City if it would be interested in the old house (it is an original Fort Cabin) on the corner of Main Street and Park Avenue. After looking at the cabin it was determined that there had been numerous changes to the original structure of the cabin and there would need to be asbestos removal also. The City Council discussed the cabin and decided the City was not interested in it at this time. The Skateboard Park Ribbon Cutting Ceremony will be held on August 21 at 11:00 a.m.

Councilmember Rasmussen said he is working on the arrangements for Hyrum Holidays Celebration.

***ADJOURNMENT:*****ACTION**

**There being no further business before the City Council,  
the Council Meeting adjourned at 8:50 p.m.**

ATTEST:

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Stephanie Miller  
Mayor

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Stephanie Fricke  
City Recorder

Approved: September 21, 2023  
As Written