

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 2, 2023 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Pro-Tempore Vicky McCombs

ROLL CALL: Councilmembers Steve Adams, Paul James, Vicky McCombs, and Craig L. Rasmussen. Mayor Miller participated through phone-call.

ABSENT: Councilmember Jared Clawson.

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

OTHERS PRESENT: Zoning Administrator Matt Holmes, and fifteen citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Pro-Tempore McCombs welcomed everyone in attendance and invited audience participation.

PLEDGE OF ALLEGIANCE: Councilmember Adams.

INVOCATION: Councilmember Rasmussen.

APPROVAL OF MINUTES:

The minutes of a regular meeting on January 5, 2023 were approved as written.

ACTION

Councilmember James made a motion to approve the minutes of a regular meeting held on January 5, 2023 as written. Councilmember Adams seconded the motion and all four councilmembers voted aye.

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 Pro-Tempore McCombs recommended amending the agenda by deleting item "10.A. "Austin Freeman - To request a Home Occupation

Business License for Personal Strength Training and Nutrition Coaching at 1050 West 370 North."

ACTION

Councilmember James made a motion to approve the agenda for February 2, 2023, with the above amendment. Councilmember McCombs seconded the motion and Councilmembers Adams, Clawson, James, McCombs, and Rasmussen voted aye. The motion passed.

8. PUBLIC COMMENT
9. PUBLIC HEARING
 - A. To receive public comment pertaining to the revision of Hyrum City's General Plan.
10. SCHEDULED DELEGATIONS
 - A. ~~Austin Freeman - To request a Home Occupation Business License for Personal Strength Training and Nutrition Coaching at 1050 West 370 North.~~
 - B. Maria Olague - To request rental of the Elite Hall in December for a reduced rate.
 - C. Martin Felix, Hyrum City's IPA Representative - To present an update on Intermountain Power Agency (IPA).
 - D. Tony Stauffer, Hyrum Fire Chief - To discuss future needs for Hyrum Fire Department.
 - E. Cache County Sheriff Chad Jensen - To present the Cache County's Sheriff report for 2022 and to discuss the 2023-2024 Law Enforcement Contract.
 - F. Jared Hymas, Honey Badger Properties - To request Site Plan approval for a building and storage facility located at 1620 Anvil Road.
 - G. Roy Savage, Savage Subdivision - To request Final Plat approval for Savage Subdivision located at approximately 900 West 85 South for a 13 lot single family subdivision on 34 acres.
11. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES
 - A. Resolution 23-02 - A resolution approving the continuation of the Participant's Entitlement Share under the Carbon Free Power Project Power Sales Contract for Phase 1B of the licensing period for the Carbon Free Power Project; and related matters.
 - B. Resolution 23-03 - A resolution amending Chapter 7 Housing of the Hyrum City General Plan.
12. OTHER BUSINESS
 - A. Consideration and approval of a contract amendment with JUB Engineering for GIS & Grant Services.
 - B. Budget Report.
 - C. Closed Session - To discuss the purchase, exchange,

sale, or lease of real property.

D. Consideration and approval of purchase of real property.

E. Mayor and City Council Reports.

13. ADJOURNMENT

PUBLIC COMMENT:

Mayor Pro-Tempore McCombs if a citizen has a question or would like to make a comment to please keep it under three minutes.

There being no public comment, Mayor Pro-Tempore McCombs moved to the next agenda item.

PUBLIC HEARING:

TO RECEIVE PUBLIC COMMENT PERTAINING TO THE REVISION OF HYRUM CITY'S GENERAL PLAN.

Mayor Pro-Tempore McCombs called for a motion to open the public hearing regarding the revision of Hyrum City's General Plan. Utah State Law requires communities to include a plan for moderate income housing as an element in the General Plan. Utah State Law recently changed and Hyrum City's Housing Plan needs to be revised to include benchmarks for the implementation of strategies used to provide moderate income housing in Hyrum City. The Hyrum City Planning Commission has held two public hearings and is recommending approval of the proposed amendments to the General Plan.

ACTION Councilmember James made a motion to open the public hearing to receive public comments regarding the revisions of Hyrum City's General Plan at 6:33 p.m. Councilmember Rasmussen seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

There being no public comment, Mayor Pro-Tempore McCombs called for a motion to close the public hearing.

ACTION Councilmember James made a motion to close the public hearing to receive public comments regarding revisions to Hyrum City's General Plan at 6:34 p.m. Councilmember Adams seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

SCHEDULED DELEGATIONS:**MARIA OLAGUE - TO REQUEST RENTAL OF THE ELITE HALL IN DECEMBER FOR A REDUCED RATE.**

Maria Olague said she is a member of the Catholic Church and her church uses the Elite Hall on December 12 of each year for the Virgin of Guadalupe Day. The entire day is reserved for mass with dancers and a free meal is provided to everyone who attends. Some people make donations to the church and the event. Her Church then donates a portion of the profits in gift cards to the Hyrum Senior Center along with the roses and poinsettias that are left over after the event. The City has been charging her a deposit but waives the rental fee and she is requesting the City charge the same fee next year.

ACTION

Councilmember James made a motion to waive the Elite Hall rental fee for the Catholic Church and Virgin of Guadalupe Day on December 12, the Church is still responsible to pay the deposit. Councilmember Adams seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

MARTIN FELIX, HYRUM CITY'S IPA REPRESENTATIVE - TO PRESENT AN UPDATE ON INTERMOUNTAIN POWER AGENCY (IPA).

Jon Ward, Communications Director for IPA, updated the City Council on the Renewal of Intermountain Power Agency (IPA). Intermountain Power Agency was Organized in 1977 by 23 Utah Municipalities. Governed by 7-member Board of Directors who owns the Intermountain Power Project (IPP) Intermountain Power Project an electrical generating and transmission properties and facilities. IPA has a generating capacity to serve 1.5 million households. There are two transmission systems. Project Participants with Capacity Contracts to 2027: Utah Purchasers 23 IPA Members and 6 REA's; and 6 California Purchasers. IPA Member City Power Call-back Benefits for Summer 2022 proved the value, Utah member city power call-backs from IPP resulted in more than \$6 million in savings

Project Economic Benefits: Average annual direct employment of 400 highly skilled and compensated workforce for over 35 years with a most recent annual payroll of over \$45 million. From inception: \$6 billion paid to Utah coal suppliers; \$1.5 billion paid for transportation services; \$250 million in royalties paid to Utah public entities; annual indirect Utah economic multiplier effect; \$866 million in economic activity to the State; and \$222

million in household earnings.

Project Tax Benefits: Agreement to pay taxes uncharacteristic of an Interlocal entity. From inception: Fee in lieu of ad valorem tax (property tax) >\$500 million; Gross receipts tax (State income tax) ≈ \$154 million; Sales and use tax ≈ \$64 million; Total taxes ≈ \$720 million; \$45 million paid to address construction impacts on communities and school districts; and No tax or other economic incentives offered by or received from the State of Utah.

Loss of Existing Customers: California Senate Bill 1368 limits electrical generating sources both within and imported to California to an Emissions Greenhouse Standard for CO₂e of 1,100 pounds per megawatt hour. IPP coal generation produces approximately 2,000 pounds per megawatt hour. Power Sales Contracts grandfathered in until expiration in 2027. California Purchasers could not renew power sales contracts beyond 2027 for coal fueled energy.

Weak Market for Coal-fueled Electricity. Purchasers for IPP coal-fueled electricity beyond 2027 could not be found. Other regional utilities unwilling or unable to invest in additional coal energy. Magnitude IPP capacity (sufficient to power 1.5 million households). There are transmission constraints, increasing renewable portfolio standards and weak regional load growth; and persistently low natural gas prices and declining cost for renewable energy

Regulatory Obstacles to Continuing Coal: EPA efforts to require significant additional investments in environmental controls at IPP; EPA regulations for Coal Combustion Residuals; and Continuing federal regulatory efforts to limit greenhouse gases emissions

Unlocking IPP's Potential: Proximity to regional renewables; Existing transmission systems; Over 4,000 acres of land; Unique underground salt formation ideal for energy storage; Highly skilled workforce at IPP; and History of successful regional energy cooperation

Extending IPP's Life with IPP Renewed; Decision to shutter coal-fuel generation in 2025 announced in May 2017; Successful approval of amendment to Power Sales Contracts for reconfiguring the Project to natural gas combined cycle units in replacement of coal-fueled generation; Execution of Renewal Power Sales Contracts terminating in 2077; New contracts retain favorable excess power sales terms for Utah participants;

New contracts allow coal unit dismantling costs to be recovered through future power billings

Hydrogen Use Attracting International Attention: IPP Renewed generating units will operate on 70% natural gas / 30% green hydrogen at start up in 2025; transitioning to 100% green hydrogen by 2045; Contracts in place with ACES for green hydrogen production and storage; and Initial financing completed and construction has commenced on both IPP Renewed and ACES components of the project!

Construction is Under Way! Site preparation is complete and underground installations under way along with Salt cavern construction.

Conclusions: IPP Renewed leverages existing infrastructure to provide energy products desired by the Intermountain Power Project's customers. No state tax support or economic development incentives. Continues positive economic contributions to state and local entities. Continues favorable entitlement "layoff" structure for Utah municipalities. Provides for coal unit dismantling costs to be covered in future power billings. Significant reductions in carbon emissions and solid waste. Significant reductions in water use. Provides an "anchor tenant" supporting additional energy development

The Hyrum City Council expressed its appreciation to Jon Ward for attending tonight's City Council Meeting to update the City on the renewal and future of IPP.

TONY STAUFFER, HYRUM FIRE CHIEF - TO DISCUSS FUTURE NEEDS FOR HYRUM FIRE DEPARTMENT.

Hyrum Fire Chief Tony Stauffer introduced his Assistant Fire Chiefs Luke Schmid and Chris Crockett. He has been serving as Fire Chief since September and there have been several changes that have taken place over the past few months, he has been Chief. The Hyrum Fire Department is staffed with great volunteers and in the past Hyrum was able to have enough volunteers to help with response calls during daytime hours. However, Hyrum's population has grown considerably along with the population of the other cities Hyrum contracts with for fire service. Hyrum no longer has enough volunteers who can respond during the day and currently there are only three people who can respond to calls during the day and that is not enough to provide adequate fire service. He has met with Mayor Miller to discuss his concerns about the lack of fire service personnel during business hours and the need for full time firemen

at the City station.

Fire Chief Assistant Luke Schmid asked the City Council if it would consider hiring two full time firemen to serve weekdays during business hours. Hyrum City is at the point that it needs to decide if it wants to keep its own fire department or be absorbed by Cache County. Hyrum City has had its own fire department and the volunteers take pride in their position and the station. He hopes the City would continue to have its own fire station and remain separate from Cache County. Currently there is an average of 50 to 60 calls during business hours each month. There aren't enough volunteer firemen during daytime hours to respond to these calls. If Hyrum City approves two full time firemen they could be writing grants, licensing, and other management type of activities while they are not responding to calls. This would alleviate a lot of stress from the three volunteer firemen that are currently in Hyrum during business hours. The full time firemen could also be advanced EMT's that would be able to help with medical calls.

Fire Chief Tony Stauffer said he understands the City has budget and employment constraints but he needs to know how to proceed with planning for adequate fire services in the future. If the City hires two full time firemen he would like the volunteer firemen in Hyrum to have first chance at these jobs.

The City Council discussed contacting Cache County to ask them if it would be willing to enter into an Interlocal Agreement to employ two full time firemen at the Hyrum Fire Station with the conditions that it would still be Hyrum's Fire Station and the volunteer firemen of Hyrum City would be given the first opportunity to fill the positions. Hyrum City is almost at 50 full time equivalent (FTE) employees and the City is going to try and stay under 50 for at least another year. Once the City is at 50 (FTE) it will have to comply with the Affordable Care Act (ACA), which means the City is required to provide anyone working over 30 hours a week with Health Insurance and there are extensive reporting requirements to the Federal Government. Hyrum City has five part time positions that are not budgeted full time positions but when Hyrum City has 50 FTE employees these part time positions that work more than 30 but less than 40 will have to be given health insurance which will cost the City more than \$22,000 per year per employee. The best solution for Hyrum City at this time to have full time firemen is to see if Cache County is interested in an Interlocal Agreement.

CACHE COUNTY SHERIFF CHAD JENSEN - TO PRESENT THE CACHE COUNTY'S SHERIFF REPORT FOR 2022 AND TO DISCUSS THE 2023-2024 LAW

ENFORCEMENT CONTRACT.

Cache County Sheriff Chad Jensen said Hyrum City's Law Enforcement Contract is the same as last years since the City and the County entered into a three year agreement last year. Law enforcement hours for Hyrum City are very consistent. Hours do not change a lot year to year. The number of calls each year are approximately 2,300. Cache County is opening its animal shelter this spring where the City can bring dogs running at large. There will be no monthly fee to the City instead the owner of the animal will be responsible to pay all animal impound fees. He is looking forward to the opening of this shelter and believes it will be of benefit to not just the County but all the Cities in Cache County as well.

The Hyrum City Council thanked Sheriff Chad Jensen and his Deputies for providing such exceptional service to Hyrum City.

JARED HYMAS, HONEY BADGER PROPERTIES - TO REQUEST SITE PLAN APPROVAL FOR A BUILDING AND STORAGE FACILITY LOCATED AT 1620 ANVIL ROAD.

Zoning Administrator Matt Holmes said the Planning Commission has recommended approval of Jared Hymas' request for Site Plan approval for a building and storage facilities located at 1620 Anvil Road without any conditions.

Jared Hymas with Honey Badger Properties said the 60' x 80' building will contain an office and storage for equipment and materials. Vehicles and larger equipment will be stored in the fenced yard.

Councilmember Rasmussen said the parking stalls are shown at 20' wide which is very tight. He suggested amending the parking stalls to at least 23' wide with a 60' wide access into the parking stalls. There should be ADA signage for designated handicap spaces.

ACTION

Councilmember Rasmussen made a motion to approve the site plan for a building and storage facility located at 1620 Anvil Road with the following conditions: 1. Parking stalls be a minimum of 23' wide with a 60' wide access as required for commercial buildings; 2. ADA signage be installed for handicap parking; and 3. The fence on the side of the parking lot be moved further back to allow for snow removal. Councilmember James seconded the motion and Councilmembers Adams, James,

McCombs, and Rasmussen voted aye. The motion passed.

ROY SAVAGE, SAVAGE SUBDIVISION - TO REQUEST FINAL PLAT APPROVAL FOR SAVAGE SUBDIVISION LOCATED AT APPROXIMATELY 900 WEST 85 SOUTH FOR A 13 LOT SINGLE FAMILY SUBDIVISION ON 34 ACRES.

Roy Savage with Savage Subdivision requested Final Plat Approval for Savage Subdivision located at approximately 900 West 85 South for a 13 lot single family subdivision on 34 acres. This subdivision provides something different for Hyrum with its larger lots that are conducive to the river bottoms, which is a sensitive area.

Councilmember Rasmussen said after reviewing the plans he is unsure how the stormwater from the roads will drain into the storm water swales. The storm water swales will not handle the storm water drainage due to the slopes. He would like the City Engineer to review the storm water numbers to ensure that the storm water drainage plan is adequate and meets City Code. He asked if Roy had provided the City with a letter from the Health Department approving septic tanks in this area.

Roy Savage said the storm water will drain into lot 5 and then into the river. He is fine with the City Engineer reviewing the storm water plan to ensure it can hold and drain storm water adequately. A letter from the Health Department was provided to the City during Preliminary Plat approving septic tanks in this area, but he will provide the City with a copy of that letter.

Councilmember Rasmussen said a noncombustible fence needs to be installed along the four lots that border the canal.

Leon Savage said he would like to put in a commemorative sign with a brief history of his family, a bench, flag, and solar panels as a memorial to his family that owned this property. He is willing to pay for the memorial but needs Hyrum City's permission to do it.

ACTION

Councilmember Rasmussen made a motion to approve the Final Plat for Savage Subdivision located at approximately 900 West 85 South for a 13 lot single family subdivision on 34 acres with the following conditions: 1. A letter be provided from the Health Department approving Septic Tanks; 2. Storm water plan and drainage requirements be reviewed by the City Engineer to ensure there is adequate detention; 3.

Noncombustible fences be installed between the canal and the lots bordering the canal; and 4. The memorial area be relocated to the parcel of property owned by the City and be dedicated to the City once Leon Savage has finished installing concrete, benches, plaque, and flag. Councilmember James seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 23-02 - A RESOLUTION APPROVING THE CONTINUATION OF THE PARTICIPANT'S ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT POWER SALES CONTRACT FOR PHASE 1B OF THE LICENSING PERIOD FOR THE CARBON FREE POWER PROJECT; AND RELATED MATTERS.

ACTION

Councilmember James made a motion to approve Resolution 23-02 approving the continuation of the participant's entitlement share under the Carbon Free Power Project Power Sales Contract for Phase 1B of the licensing period for the Carbon Free Power Project and related matters. Councilmember Adams seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

RESOLUTION 23-03 - A RESOLUTION AMENDING CHAPTER 7 HOUSING OF THE HYRUM CITY GENERAL PLAN.

Mayor Pro-Tempore McCombs said Hyrum City Council held a public hearing earlier in this meeting and there was no public comment received on the amendments to Chapter 7 Housing of the Hyrum City General Plan.

Zoning Administrator Matt Holmes said Hyrum City has revised its General Plan to meet current State Law requirements, however, the State is still reviewing the proposed changes and there may be minor adjustments to the wording still. He asked the City Council to approve Resolutions 23-03 with the condition that after the State reviews it that City Staff be allowed to make minor revisions to the Plan if suggested by the State to meet Utah State Law.

ACTION

Councilmember Adams made a motion to approve Resolution 23-03 amending Chapter 7 Housing of the Hyrum City's General Plan and to allow City Staff to make minor revisions to the General Plan if suggested by the State

in order to meet Utah State Law. Councilmember Rasmussen seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

OTHER BUSINESS:

CONSIDERATION AND APPROVAL OF A CONTRACT AMENDMENT WITH JUB ENGINEERING FOR GIS & GRANT SERVICES.

Mayor Pro-Tempore McCombs said Hyrum City staff has a need to use JUB Engineering/Gateway Mapping Inc. for GIS and Grant Services. JUB Engineering/Gateway Mapping Inc. is not Hyrum City's approved engineer, but is being recommended by City Staff for these services because of their expertise in these two areas.

ACTION Councilmember Rasmussen made a motion to approve the Contract with JUB Engineering and Gateway Mapping Inc. for GIS and GRANT Writing Services. Councilmember Adams seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

BUDGET REPORT.

Mayor Miller reviewed the 2022-2023 Operating Budgets and Utility Funds in detail.

CLOSED SESSION - TO DISCUSS THE PURCHASE, EXCHANGE, SALE, OR LEASE OF REAL PROPERTY.

Mayor Pro-Tempore McCombs called for a motion to adjourn into a closed session at 8:35 p.m. to discuss the purchase, exchange, or lease of real property.

ACTION Councilmember Rasmussen made a motion at 8:35 p.m. to adjourn into a Closed Session to discuss the purchase, exchange, or lease of real property. Councilmember James seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

Those present in the closed session were: Mayor Miller, Councilmember Adams, James, McCombs, and Rasmussen, and City Recorder Stephanie Fricke. The Closed Session was digitally recorded. The Council Chamber doors were closed to the public.

At 8:37 the Council Chamber doors were reopened to the public.

ACTION

Councilmember Rasmussen made a motion at 8:37 p.m. to adjourn the Closed Session and to open the meeting to the public. Councilmember James seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

CONSIDERATION AND APPROVAL OF THE PURCHASE OF REAL PROPERTY.**ACTION**

Councilmember James made a motion for the City to approve and for City Staff to proceed with the purchase of real property at the appraised price that was discussed in the Closed Session tonight. Councilmember Rasmussen seconded the motion and Councilmembers Adams, James, McCombs, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Adams said he is starting to organize National Night Out Against Crime in August. He is going to contact the Utah Symphony to request a concert at Blacksmith Park in the new amphitheater.

Councilmember Rasmussen asked to have an appointment to the Hyrum Museum Board on the next City Council Agenda. The Hyrum Museum is planning on hosting a Veteran's Ceremony to honor those military members who serviced between 1945 and 1991. The Museum is looking for locations to hold this event. The New York New Year's Eve Party was a success. It was the first time it has been held since COVID. The Hyrum Historic Preservation Committee is still moving forward trying to find donors to help with the restoration of the Elite Hall.

Councilmember James said the Cache Valley Transit District is sending an email to the Mayor and City Council for the groundbreaking ceremony of its new facility. The Mosquito Abatement District is purchasing two drones to help detect mosquito larva and to deploy the abatement chemical.

Mayor Pro-Tempore McCombs said she is in the process of planning the Hyrum City Princess Pageant. There will be five princess crowned in each of the three different age groups.

City Treasurer Todd Perkins said the Electric Department is not in good financial condition and it is keeping him up at night.

The power bills continue to be more than double what they were last year and the Electric Department has spent almost 6 million dollars in reserves in the past five years which leaves a balance barely high enough to pay next months power bill. He doesn't know what electric costs are going to be in the future but if power costs continue to increase the Electric Utility will be broke in a couple of months. This is a very serious situation.

The Hyrum City Council discussed increasing electrical costs throughout the Nation and if Hyrum City will continue to be able to afford to keep its Electrical Utility. The citizens of Hyrum have been fortunate to have had the electric utility because of the excess funds in generated in the 1970's and 1980's. But the electricity market is volatile and has been going up and down since 2000. Hyrum City Council is holding a special meeting in the morning to increase power rates. At the City Council Planning Retreat held on January 27, 2023 the City Council discussed holding a meeting with Rocky Mountain Power to consider selling the utility to Rocky Mountain Power. This might be Hyrum City's only option for the future. A meeting with Rocky Mountain Power would at least give the City Council information to help decide if keeping/selling the electrical utility is a viable option.

ADJOURNMENT:

ACTION

**There being no further business before the City Council,
the Council Meeting adjourned at 9:02 p.m.**

ATTEST:

Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: March 2, 2023
As Written