

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JUNE 20, 2024 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Mayor Pro Tempore Rasmussen

ROLL CALL: Councilmembers Steve Adams, Jared Clawson, Paul James, Michael Nelson, and Craig L. Rasmussen.

EXCUSED: Mayor Stephanie Miller

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

OTHERS PRESENT: City Treasurer Todd Perkins, City Engineer Matt Holmes, and 68 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Mayor Pro Tempore Rasmussen

INVOCATION: Councilmember James

APPROVAL OF MINUTES:

The minutes of a regular meeting on June 6, 2024 were approved as written.

ACTION Councilmember Clawson made a motion to approve the minutes of a regular meeting held on June 6, 2024 as written. Councilmember Nelson 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 James made a motion to approve the agenda

for June 20, 2024 as written. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

9. PUBLIC HEARING
 - A. To receive public comments regarding Hyrum City's Storm Water Management Plan.
10. SCHEDULED DELEGATIONS
 - A. Samantha Madsen - To request a Home Occupation Business License at 164 Wapiti Loop for dog grooming.
 - B. Carl Green, Church of Jesus Christ of Latter-Day Saints - To request site plan approval for an expansion of church parking lot at 120 North 400 West.
 - C. Mandy Kapp, Phoenix Academy - To request site plan approval at 471 East 600 South for micro-educational facility.
11. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES
 - A. Resolution 24-21 - A resolution amending the 2023-2024 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets.
 - B. Resolution 24-22 - A resolution approving and adopting the Fiscal 2024-2025 Operating Budgets for Hyrum City's General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund.
 - C. Resolution 24-23 - A resolution approving the Hyrum City Council Rules of Order and Procedure for City Meetings.
 - D. Ordinance 24-05 - An ordinance amending Chapter 2.12, Section 2.12.010 of the Hyrum City Municipal Code, to provide for adjustments in the salaries of Officers and Employees of Hyrum City.
12. OTHER BUSINESS
 - A. Budget Report.
 - B. Mayor and City Council Reports.
13. ADJOURNMENT

PUBLIC COMMENT:

Mayor Pro Tempore Rasmussen asked if a citizen had a question or comment to please keep it under three minutes, if the person is speaking for a group of people to keep it under five minutes. This is not a public hearing and therefore can be limited to a maximum time of 20 minutes for this section of the agenda. If you have the same comments as someone else please do not repeat the

comments made.

Megan Parkinson said she was speaking for a large group of neighbors on the proposed micro-educational facility. She lives at 540 East 535 South and wanted to speak in opposition of the site plan for the micro-educational facility at 471 East 600 South. The legislative intent for allowing micro-schools was for no more than 16 students in a residential neighborhood. Even though micro-schools are permitted by law there are still conditions and regulations that need to be followed for the health and safety of the children. The request for a micro-educational facility would allow up to 100 students and this should not be allowed in a residential neighborhood. As neighbors to the proposed micro-educational facility, they are deeply concerned about fire safety, parking issues, traffic flow, and noise issues. These things should be addressed before site plan approval is given.

Andrew Soelberg said he was speaking for a large group of neighbors on the proposed micro-educational facility. He lives at 545 South 625 East. The micro-educational facility would be for 60 students, however, if approved as a micro-educational facility there could be up to 100 students. There are numerous items that should be addressed in the site plan that haven't been. The site plan shows four parking spaces. A school with 60 students will need more than four parking spaces. This is a single-family dwelling that is in a residential neighborhood and street parking should not be the micro-educational facility's parking plan. There are parents that will be coming to the facility to meet with the teachers, to help with class activities, etc. If there are only four parking spaces where will the parents park. The current parking plan is not a plan it doesn't address parking issues and off-street parking requirements. State Law allows a micro-educational facility in all zones but there are restrictions, and the City can place conditions on these facilities. This is not a proper plan and it should be sent back to the Planning Commission for further review to ensure the safety and well being of the surrounding residents and the students attending the micro-educational facility.

Clifford Parkinson said he was speaking for a large group of neighbors on the proposed micro-educational facility. He lives at 540 South 535 East and he respectfully is asking the City Council to oppose the micro-educational facility. The micro-educational facility law is new and there are a lot of questions as to conditions, restrictions, and the approval process. The micro-educational facility site plan is deficient. It does not address traffic issues. Micro-educational facilities with 100 students

will have a big impact on the neighborhood due to traffic issues. The law does not prevent a City from requiring a micro-educational facility to conduct a traffic study and submit a traffic plan. The City has the right to impose regulations on the project to minimize and avoid risk and safety issues. He is unaware of a traffic study being conducted and would highly recommend one before this is approved. The proposed student drop off and pick up area needs to be reviewed. This is a residential neighborhood and adding up to 100 students being dropped off and picked up everyday at one house will be a significant impact on the residential neighborhood. The site plan is handwritten with arrows showing the traffic flow and this is not sufficient and puts kids safety at risk including the students attending the school and the neighborhood.

Hailey McMurdie said she was speaking for a large group of neighbors on the proposed micro-educational facility. She lives at 655 South 400 East. She spoke with the Hyrum Fire Department regarding the fire safety for a micro-educational facility and due to this being a new law the fire department was unsure what would be required and was contacting the State Fire Marshall. The law requires sprinkler systems and other regulations for micro-educational facilities for fire protection. Has there been a fire safety inspection on the property to ensure it meets the conditions of the law? If there hasn't been a fire safety inspection, she highly recommends that this gets tabled until it has been completed. ADA requires certain conditions be met for it to be used as a public facility. There must be parking that meets ADA requirements and with only four off street parking spaces this may not be able to be provided.

Christina Rogers said she was speaking for a large group of neighbors on the proposed micro-educational facility. She lives at 515 East 535 South. She is against a business in a residential neighborhood and is concerned about excessive noise. The micro-educational facility has not addressed any noise issues in its site plan. Hyrum City's Ordinance 9.50.020 addresses noise disturbances. The residents of this neighborhood are concerned about having 60 students outside and the noise that it would create, and also the noise from traffic coming and going from the facility.

Emily Wild said she was speaking for a large group of neighbors on the proposed micro-educational facility. She lives at 432 East 600 South. She has a petition signed by 98 citizens in the Rolling Hills and Auburn Hills subdivision requesting the City Council

deny the proposed site plan for the micro-educational facility at 471 East 600 South. Reasons for opposition are increased traffic and safety concerns; parking and accessibility; noise and quality of life; impact on property values; and neighborhood character. The petitioners understand the need for educational facilities, but do not believe that placing a school in this particular residential area is inappropriate and determinantal to the well being of the community.

Elicia Lewis said she lives at 110 South 400 West and is concerned about the ditch behind her house. It has standing water in it and is becoming a breeding ground for mosquitos and asked the City to notify the Mosquito Abatement District.

Alan Marchant said he lives at 434 East 360 South and is a resident of Rolling Hills Subdivision. He is not one of the 98 people who signed the petition opposing the micro-educational facility. State Legislation was changed to allow micro-educational facilities and for the Planning Commission to handle these requests. He said micro-educational facilities are to be considered a permitted use in all zones.

Stephanie Anderson said she lives at 555 East 535 South she is opposed to the Pheonix Academy. She is concerned about violence and aggression from students and damage to neighbor's property. If there are only two adults on staff for 60 students it doesn't sound like there would be enough people to monitor the students.

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

PUBLIC HEARING:

TO RECEIVE PUBLIC COMMENTS REGARDING HYRUM CITY'S STORM WATER MANAGEMENT PLAN.

Mayor Pro-Tempore Rasmussen called for a motion to open the Public Hearing to receive public comments regarding Hyrum City's Storm Water Management Plan.

ACTION

Councilmember James made a motion to open the public hearing at 7:00 p.m. to receive public comment on the Hyrum City's Storm Water Management Plan. Councilmember Adams seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember James, Councilmember Nelson voted aye, and Councilmember

Rasmussen voted aye. The motion passed.

Andrew Sjoblom said he lives at 565 South 625 East and said the stormwater management plan is well thought out.

Mayor Pro-Tempore Rasmussen asked if there was any further public comment, there being none he called for a motion to close the public hearing.

ACTION

Councilmember James made a motion to close the public hearing at 7:01 p.m. on the Hyrum City's Storm Water Management Plan. Councilmember Clawson seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember James voted aye, Councilmember Nelson voted aye, and Councilmember Rasmussen voted aye. The motion passed.

SCHEDULED DELEGATIONS:

SAMANTHA MADSEN - TO REQUEST A HOME OCCUPATION BUSINESS LICENSE AT 164 WAPITI LOOP FOR DOG GROOMING.

Samantha Madsen said she lives at 164 Wapiti Loop and would like a Home Occupation Business License for dog grooming. She will not be boarding dogs. She will not have more than one client's dog(s) at her home at one time. It will be by appointment only and no drop ins.

ACTION

Councilmember Clawson made a motion to approve Samantha Madsen's request for a Home Occupation Business License at 164 Wapiti Loop for dog grooming. Councilmember James seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

CARL GREEN, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS - TO REQUEST SITE PLAN APPROVAL FOR AN EXPANSION OF CHURCH PARKING LOT AT 120 NORTH 400 WEST.

Mayor Pro Tempore Rasmussen said on June 13, 2024 the Planning Commission recommended approval of the Church of Jesus Christ of Latter-Day Saints request for site plan approval for an expansion of the church parking lot at 120 North 400 West with no conditions.

Carl Green with McNeil Engineering said the Church of Jesus Christ of Latter-Day Saints hired his firm to design an addition to the

existing parking lot at 125 North 400 West. The plan includes an additional 62 parking stalls. Dark sky lighting will be installed. Drainage and stormwater handling has been modified to allow for stormwater capture. The existing parking lot will drain to the existing sumps. Areas have been planned to handle snow removal and the drainage from the snow piles.

ACTION

Councilmember James made a motion to approve the site plan for the Church of Jesus Christ of Latter-Day Saints for an expansion of the parking lot at 125 North 400 West. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

MANDY KAPP, PHOENIX ACADEMY - TO REQUEST SITE PLAN APPROVAL AT 471 EAST 600 SOUTH FOR MICRO-EDUCATIONAL FACILITY.

Mandy Kapp with Phoenix Academy said she attended the June 13, 2024 Planning Commission to request site plan approval at 471 East 600 South for a micro-educational facility and there was no one at that meeting that opposed the site plan. The Planning Commission had recommended approval of the site plan at 471 East 600 South for a micro-educational facility with the conditions that if the gravel area to the east of the driveway is used for parking it will need to be paved; and that a fire inspection was conducted. She is surprised to see so many people here at tonight's meeting opposed to this facility. She has tried to find an alternate location but commercial property is too expensive and is not feasible to purchase to run a micro-educational facility. She is not planning on having more than 60 students. This is not a typical school with typical school hours. This school will serve those students that have a different learning style and will provide an environment where these students can develop critical thinking skills and learn how to communicate. Public schools are not providing the education that all youth need to succeed. She doesn't want her kids to be persuaded and impacted by someone else's ideas. This school will provide a safe learning environment to its students. There are learning opportunities that will give the children the opportunity to fail so they can learn how to fail and how to overcome those failures. This is not a public school and families will be choosing to send their children here. It was not her intent to make any neighbors mad but for her to provide a place for children to learn. State Law allows micro-educational facilities in any zone and she is asking for the City to follow State Law. The school could start at different times than public schools to help traffic issues during the times people are taking

their kids and bringing their kids to and from regular public schools. She is not a lawyer but the law states that micro-educational facilities are allowed in all zones. She met with the Planning Commission and the Planning Commission didn't have any concerns with this facility in this neighborhood. She needs a micro-educational facility in order for it to be feasible to purchase the house and use it as a facility. A microschool only allows 16 students and that would not be enough students to pay for the facility.

Mayor Pro Tempore Rasmussen said a micro-educational facility has more requirements than a microschool and he is not sure that all of the conditions could be met. If it is a micro-educational facility State Law requires it meets the conditions of Group E Occupancy requirements as defined by the International Building Code. There would need to be at least 20 square feet per student, fire alarm system, carbon monoxide detection, each classroom in the facility has an exit directly to the outside at the level of exit, the structure has a fire sprinkler system, restrooms would need to be ADA accessible, and it would also need to meet Hyrum City's codes for setbacks and sideyards. This is a house that was built to residential standards and was probably not built for commercial purposes.

Councilmember Nelson said he has been in contact with State Senator Scott Sandall trying to get clarification on this new law. Senator Sandall contacted the bill's sponsor Senator Lincoln Fillmore and both of them thought the bill was very clear. The intent of the bill wasn't to allow a micro-educational facility to be approved without conditions nor meeting the International Building Code. The microschool portion of the bill was to help home school families be able to teach up to 16 students in a residential dwelling in a residential neighborhood.

Mayor Pro Tempore Rasmussen said there are legitimate safety concerns with traffic, drop and pick up location, fire safety, and parking to allow a micro-educational facility at this location. He is not comfortable in approving the site plan at this time. There needs to be further clarification of the law and the site plan does not address all of the requirements that are required by State Law and City Code. If this application was for a microschool then the conditions and requirements would be completely different.

ACTION

Councilmember James made a motion to deny the site plan for Phoenix Academy for a micro-educational facility at

471 East 600 South. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

RESOLUTION 24-21 - A RESOLUTION AMENDING THE 2023-2024 GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND OPERATING BUDGETS.

Mayor Pro Tempore Rasmussen said a public hearing was held on June 6, 2024 to discuss 2023-2024 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, Capital Projects Fund, and Library Trust Fund Operating Budgets. The budget no longer includes a Library Trust Fund so the Library Trust Fund needs to be removed from the resolution.

ACTION

Councilmember Clawson made a motion to approve Resolution 24-21 - A resolution amending the 2023-2024 General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, and Capital Projects Fund, Operating Budgets with the amendment that the "Library Trust Fund" be removed from the Resolution. Councilmember James seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember James voted aye, Councilmember Nelson voted aye, and Councilmember Rasmussen voted aye. The motion passed.

RESOLUTION 24-22 - A RESOLUTION APPROVING AND ADOPTING THE FISCAL 2024-2025 OPERATING BUDGETS FOR HYRUM CITY'S GENERAL FUND, WATER FUND, SEWER FUND, ELECTRIC FUND, IRRIGATION FUND, STORM WATER FUND, CAPITAL PROJECTS FUND, AND LIBRARY TRUST FUND.

Mayor Pro Tempore Rasmussen said a public hearing was held on June 6, 2024 to discuss the approving and adopting the Fiscal 2024-2025 Operating Budgets for Hyrum City's General Fund, Water Fund, Sewer Fund, Electric Fund, Irrigation Fund, Storm Water Fund, and Capital Projects Fund.

ACTION

Councilmember James made a motion to approve Resolution 24-22 approving and adopting the Fiscal 2024-2025 Operating Budgets for Hyrum City's General Fund, Culinary Water Fund, Sewer Fund, Electric Fund,

Irrigation Water Fund, Storm Water Fund, and Capital Projects Fund with the amendment that the "Library Trust Fund" be removed from the Resolution. Councilmember Clawson seconded the motion and Councilmembers Adams voted aye, Councilmember Clawson voted aye, Councilmember James voted aye, Councilmember Nelson voted aye, and Councilmember Rasmussen voted aye. The motion passed.

RESOLUTION 24-23 - A RESOLUTION APPROVING THE HYRUM CITY COUNCIL RULES OF ORDER AND PROCEDURES FOR CITY MEETINGS.

Mayor Pro Tempore Rasmussen said Resolution 24-23 approves the Hyrum City Council Rules of Order and Procedure for City Meetings. State Law has recently changed and now requires the City Council to have an approved Rules of Order and Procedures for City meetings.

ACTION

Councilmember Clawson made a motion to approve Resolution 24-23 - A resolution approving the Hyrum City Council Rules of Order and Procedures for City Meetings. Councilmember Adams seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember James voted aye, Councilmember Nelson voted aye, and Councilmember Rasmussen voted aye. The motion passed.

ORDINANCE 24-05 - AN ORDINANCE AMENDING CHAPTER 2.12, SECTION 2.12.010 OF THE HYRUM CITY MUNICIPAL CODE, TO PROVIDE FOR ADJUSTMENTS IN THE SALARIES OF OFFICERS AND EMPLOYEES OF HYRUM CITY.

Mayor Pro Tempore Rasmussen said a public hearing was held on June 6, 2024 to discuss the salaries of officers and employee of Hyrum City.

ACTION

Councilmember Adams made a motion to approve Ordinance 24-05 - An ordinance amending Chapter 2.12, Section 2.12.010 of the Hyrum City Municipal Code to provide for adjustments in the salaries of officers and employees of Hyrum City. Councilmember Clawson seconded the motion and Councilmember Adams voted aye, Councilmember Clawson voted aye, Councilmember James, Councilmember Nelson, and Councilmember Rasmussen voted aye. The motion passed.

OTHER BUSINESS:**BUDGET REPORT:**

Mayor Pro Tempore Rasmussen said Mayor Miller sent the City Council information on the May budget report. He asked if the City Council had any questions.

ACTION

Councilmember Rasmussen made a motion to approve the April Budget Report. Councilmember Adams seconded the motion and Councilmembers Adams, Clawson, James, Nelson, and Rasmussen voted aye. The motion passed.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Adams said he has been busy working on the 4th of July Parade. He has also been working on National Night Out Against Crime. Over the past couple of months there have been several near misses and a couple of accidents at the intersection of 300 North 200 West. He would like the City to install a flashing stop sign on the west side of the intersection.

Councilmember James said he has arranged for this year's Patriotic Speaker. It is James Burton he is the U.S. Department of State and is an Honorary Consul of Germany. This should be a great Patriotic Program. He also has notified this year's Distinguished Citizen Janice Parker and Grand Marshal Claud Williams family about their award. The fireworks will be on July 4th and there maybe food trucks at the soccer fields and baseball diamond parking lots. The music for the fireworks will be on radio station 94.9.

Councilmember Nelson said there were over 40 people that attended the last session of CERT Training. He will be arranging CERT Training in the future.

Councilmember Rasmussen said Hot Wheels was a great success. There were over 130 cars this year. The City has hired Steve Liechty as its New Power Superintendent and will start July 11.

ADJOURNMENT:**ACTION**

There being no further business before the City Council, Councilmember James made a motion to close the Meeting at 8:25 p.m. Councilmember Clawson seconded the motion and Councilmembers Adams, Clawson, James, Nelson,

and Rasmussen voted aye. The motion passed.

ATTEST:

Stephanie Miller
Mayor

Stephanie Fricke
City Recorder

Approved: _____, 2024
As Written