



## CITY COUNCIL MEETING

Thursday, September 21, 2023 at 6:30 PM  
Council Chambers, 60 West Main, Hyrum, Utah

### AGENDA

Public notice is hereby given of a Hyrum City Council Meeting to be held in the Council Chambers, 60 West Main, Hyrum, Utah at 6:30 PM, September 21, 2023. The proposed agenda is as follows:

1. **ROLL CALL**
2. **CALL TO ORDER**
3. **WELCOME**
4. **PLEDGE OF ALLEGIANCE**
5. **INVOCATION**
6. **APPROVAL OF MINUTES**
7. **AGENDA ADOPTION**
8. **PUBLIC COMMENT**
9. **SCHEDULED DELEGATIONS**
  - A. [Blanca Lopez - To request a Home Occupation Business License at 320 West 300 North for Mama Bee Beauty.](#)
  - B. [Kirk Wilcox, Wilcox Landscaping and Storage - To request Site Plan approval for office and storage material yard at 1673 Anvil Road in Blacksmith Fork Industrial Park.](#)
  - C. [Josh Runhaar, Neighborhood Nonprofit Housing - To request Final Plat Approval for Mountain View Estates South Phase 5 Subdivision located between 500 and 700 South along 1290 East for 24 single family buildings lots on approximately 7.6 acres.](#)
10. **INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES**
  - A. [Ordinance 23-10 - An ordinance amending Title 8 Chapter 12 the Garbage and Collection and Disposal of the Hyrum City Municipal Code to include provisions for the collection of waste within Hyrum City limits.](#)
  - B. [Resolution 23-20 - A resolution appointing UAMPS Member Representatives.](#)
  - C. [Resolution 23-21 - A resolution setting Solid Waste Collection Fees.](#)
11. **OTHER BUSINESS**

- A. [Consideration and acceptance of public improvements for the following developments: Hidden Valley Phase 1, Mountain View Estates Phase 3, Mountain View Estates South Phases 1 and 2, Scenic Mountain Phase 1.](#)
- B. Consideration and approval for JUB Engineers Inc. to submit Hyrum City's contract for acceptance of the Pipeline and Hazardous Materials Safety Administration (PHMSA) Technical Assistance Grant for 2023.
- C. [Consideration and approval of a Natural Gas Facilities Agreement with Questar Gas Company dba Dominion Energy Utah.](#)
- D. [Decision on maintenance and liability of the dirt road at 2200 West Highway 101 to 400 North.](#)
- E. Mayor and City Council Reports

## 12. ADJOURNMENT

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**Stephanie Fricke**  
**City Recorder**

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speakerphone. The speakerphone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Hyrum City at 435-245-6033 at least three working days before the meeting.

**CERTIFICATE OF POSTING** - The undersigned, duly appointed and acting City Recorder of Hyrum City, Utah, does hereby certify that a copy of the foregoing Notice was emailed to The Herald Journal, Logan, Utah, 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, 60 West Main, Hyrum, Utah, this **18th day of September, 2023**. Stephanie Fricke, MMC, City Recorder.



60 West Main Street  
Hyrum, Utah 84319  
435-245-6033  
www.hyrumcity.com

## HOME OCCUPATION BUSINESS LICENSE APPLICATION

For businesses operating within a residence in Hyrum City limits.

Applicant(s) Name: Blanca Lopez

Date Submitted: \_\_\_\_\_

Address: 320 W 300 N Hyrum, Ut 84319

Telephone #: (801) 712 2297

Name of Business: Mama Beee Beauty

1. What is the proposed home occupation? Nail technician

2. How many clients will be coming to the home at any one time during a daily interval?  
2-3 clients

3. What provisions are available for off street parking?  
In front of my home.

4. What type of equipment, materials, machinery, tools, and merchandise stock are involved in the home occupation?  
Nail drill, liquid monomer, polymer, nail tools etc.

5. What type of modifications to the residential structure are anticipated because of the home occupation?  
No modifications.

ALL HOME OCCUPATIONS MUST COMPLY WITH THE FOLLOWING REQUIREMENTS OF ZONING ORDINANCE 5.04.200 (please initial)

**Bl** A. "Home occupation" means an occupation performed wholly within a residence or the yard and accessory buildings being a part of such residence. Home occupations shall not change the character of the residence or the residential neighborhood. A business license is required for some home occupations. They shall be issued for a one-year period and are renewable. The City Council may review a license in reaction to neighbor's complaints and may revoke it if evidence warrants this action.

BL

B. Two levels of home occupations exist. Both are required to maintain all of the standards of a home occupation business license. Because of the potential negative impact on residential area, the following businesses are prohibited as home occupations: auto/RV repairs, salvage yards, major appliance repair, or service.

BL

C. Level one applicants are in occupation categories that the City Council has determined have virtually no negative impact on residential neighborhoods and do not require a license. Occasional businesses operated by a minor are not required to obtain a business license.

BL

D. All applicants whose home occupations receive commercial delivery service, has signage advertising the business, performs services in view or hearing of the public, or has customers coming to the residence, are considered level two home occupations and require a license. They also may be required to meet with the City Council and explain how their home occupation is in conformance with the home occupation standards. The City Council may attach limitations or conditions to their licenses.

BL

E. Home occupation standards:

BL

1. The exterior of the home will not be modified in any way to accommodate the home occupation (i.e. loading ramps, loading doors, etc).

BL

2. The occupation will be conducted entirely within the house, yard, and existing outbuildings.

BL

3. The home occupation license covers only residents of the home.

BL

4. No outside storage of goods or materials is permitted.

BL

5. Pedestrian and vehicular traffic will not be in excess of that normally associated with a residential neighborhood.

BL

6. One sign will be permitted on the property. It must meet the requirements of 17.72.010 "Name Plate".

BL

7. The home occupation must be operated in full conformity with fire, health, building, electrical, plumbing codes, and all State and City laws and ordinances.

BL

8. No noise, odor, light, vibrations or dust in excess of that normally associated with a residential neighborhood shall pass beyond the premises.

BL

10. State licenses will be required for "Professional Child Care".

BL

F. The City Council may, at their discretion, waive certain of the above standards for the elderly or handicapped.

In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the City Council may impose other reasonable conditions initially and also subsequently to protect the public health, safety, peace, and welfare of the residents of the surrounding area.

Applicant's Affidavit: I (we), Blanca, Natalia affirm that I (we) am (are) the owner(s) or authorized agent(s) of the owner of property involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits are complete, to the best of my (our) knowledge and, that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Property Owner(s) Signature: Natalia Gonzalez

Applicants Signature: [Signature]



60 West Main Street  
Hyrum, Utah 84319  
435-245-6033  
www.hyrumcity.com

### BUSINESS LICENSE APPLICATION

For businesses with a permanent physical location in Hyrum City limits.

Business Name: Mama Bee Beauty

"Doing Business As": Nail tech/ hair and makeup artist

Business Address: 320 W 300 N Hyrum, UT

Mailing Address: 320 W 300 N Hyrum, UT

Business Phone #: (801)712-2297

E-mail: BlancaLopez229@gmail.com

Website: N/A

Utah State Tax Commission Sales Tax #: N/A

State and/or Federal License #: 10500458-1101

Nature of Business: Provides beauty services

Owner Name: Blanca Lopez

Manager Name: \_\_\_\_\_ Manager Phone #: \_\_\_\_\_

Manager Address: \_\_\_\_\_

Businesses must register with the Utah Division of Corporations [www.business.utah.gov/registration](http://www.business.utah.gov/registration). Businesses involved with the sale of tangible goods must provide evidence of a State Sales Tax Number from the State Tax Commission. If your profession is regulated by the Utah Department of Occupational & Professional Licensing, a copy of that professional license must be provided.

I affirm that: I am authorized agent of the business for which application is being made, and the information on this form is both complete and accurate to the best of my knowledge.

Blanca Lopez                      Blanca Lopez                      09/14/2023  
 Owner Signature                      Printed Name                      Date

*Office Use Only*

Approved by: \_\_\_\_\_ Date Approved: \_\_\_\_\_ License #: \_\_\_\_\_

Date Paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt #: \_\_\_\_\_

**WILCOX LANDSCAPING/STORAGE**  
**SITE PLAN**  
**CITY COUNCIL MEETING**  
**SEPTEMBER 21, 2023**

Summary: Kirk Wilcox is seeking site plan approval at 1673 Anvil Road (Lot 1, Blacksmith Fork Industrial Park. The proposed plan is for an office/yard location for Wilcox Landscaping together with an outdoor RV/trailer/boat storage yard.

ZONING: M-2 Industrial

UTILITIES:

Power:	Existing
Culinary:	Existing
Sewer:	Existing
Irrigation:	Existing

PARKING & ROADS: Roads were built with the development of the industrial park. Parking will be per site plan.

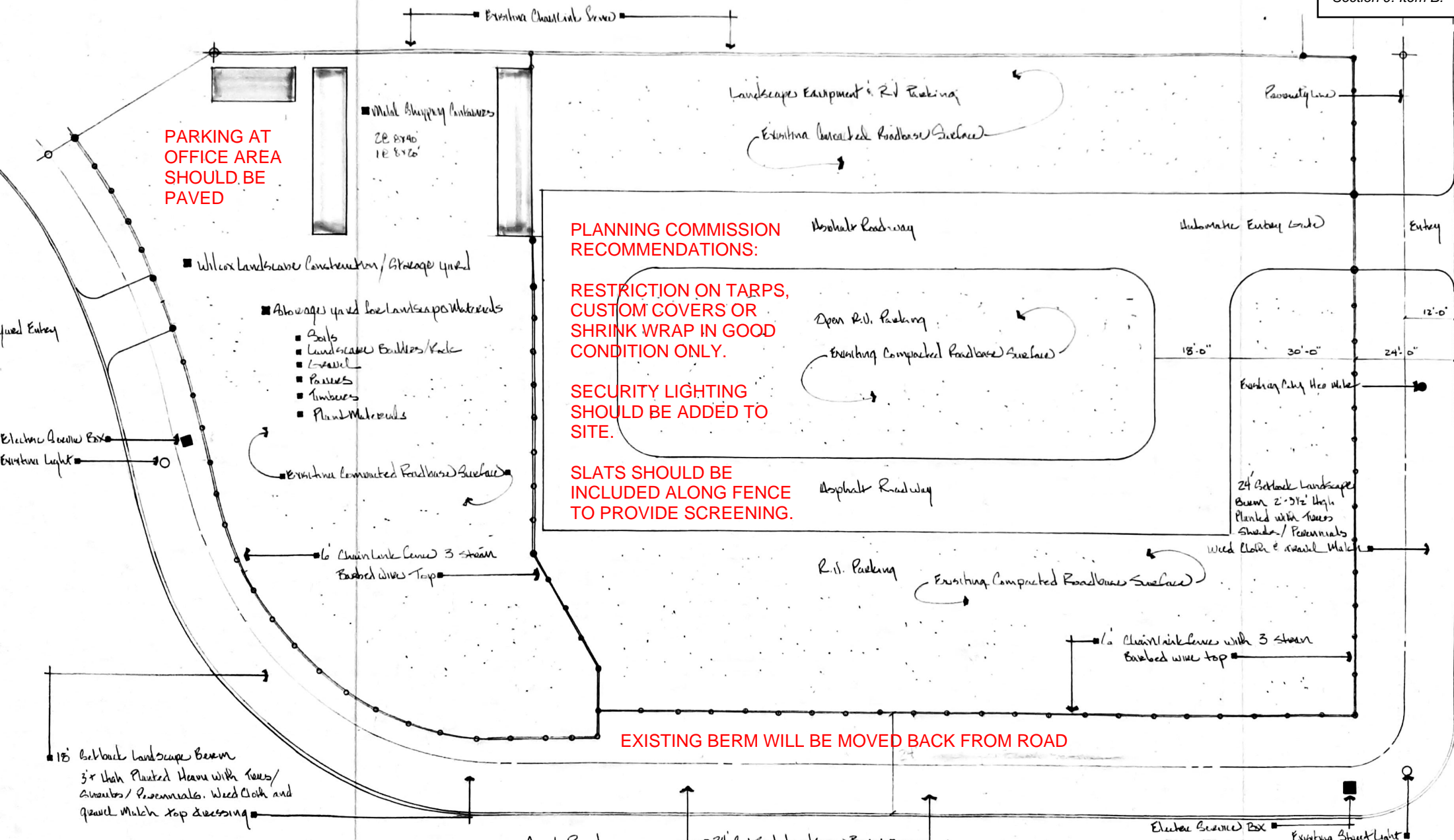
PLANNING COMMISSION CONDITIONS:

1. Pave parking at the office location.
2. Berm is to be moved back from the curb to the property line.
3. Custom covers or shrink wrap that has not deteriorated to be used. No blue tarps or other visually detrimental covers are allowed. (If used)
4. Security lighting needs to be included. (Dark sky compliant)
5. Slats or privacy fencing to provide screening needs to be installed.

Other considerations:

Rental agreements should include restriction on junked or leaking vehicles.

**Electrical component delays for equipment not already ordered are estimated to be up to 2.5 years. Utility connections are subject to the capacity of the existing system. Sewer and Electrical capacities are being evaluated by their respective departments.**



PARKING AT OFFICE AREA SHOULD BE PAVED

PLANNING COMMISSION RECOMMENDATIONS:

RESTRICTION ON TARPS, CUSTOM COVERS OR SHRINK WRAP IN GOOD CONDITION ONLY.

SECURITY LIGHTING SHOULD BE ADDED TO SITE.

SLATS SHOULD BE INCLUDED ALONG FENCE TO PROVIDE SCREENING.

EXISTING BERM WILL BE MOVED BACK FROM ROAD

■ Metal Shipping Containers  
28 8'x40'  
12 8'x20'

■ Wilcox Landscape Construction / Storage yard

■ Storage yard for Landscapes materials

- Soils
- Landscapes Builders/Tools
- L-sawed
- Pavers
- Timbers
- Plant Materials

■ Existing Compacted Roadbase Surface

1/2 Chain Link Fence 3 strand  
Barbed wire Top

18' Back Landscape Beam  
3' x 4" Planted Home with Trees/  
Shrubs / Perennials. Weed cloth and  
ground Mulch top dressing

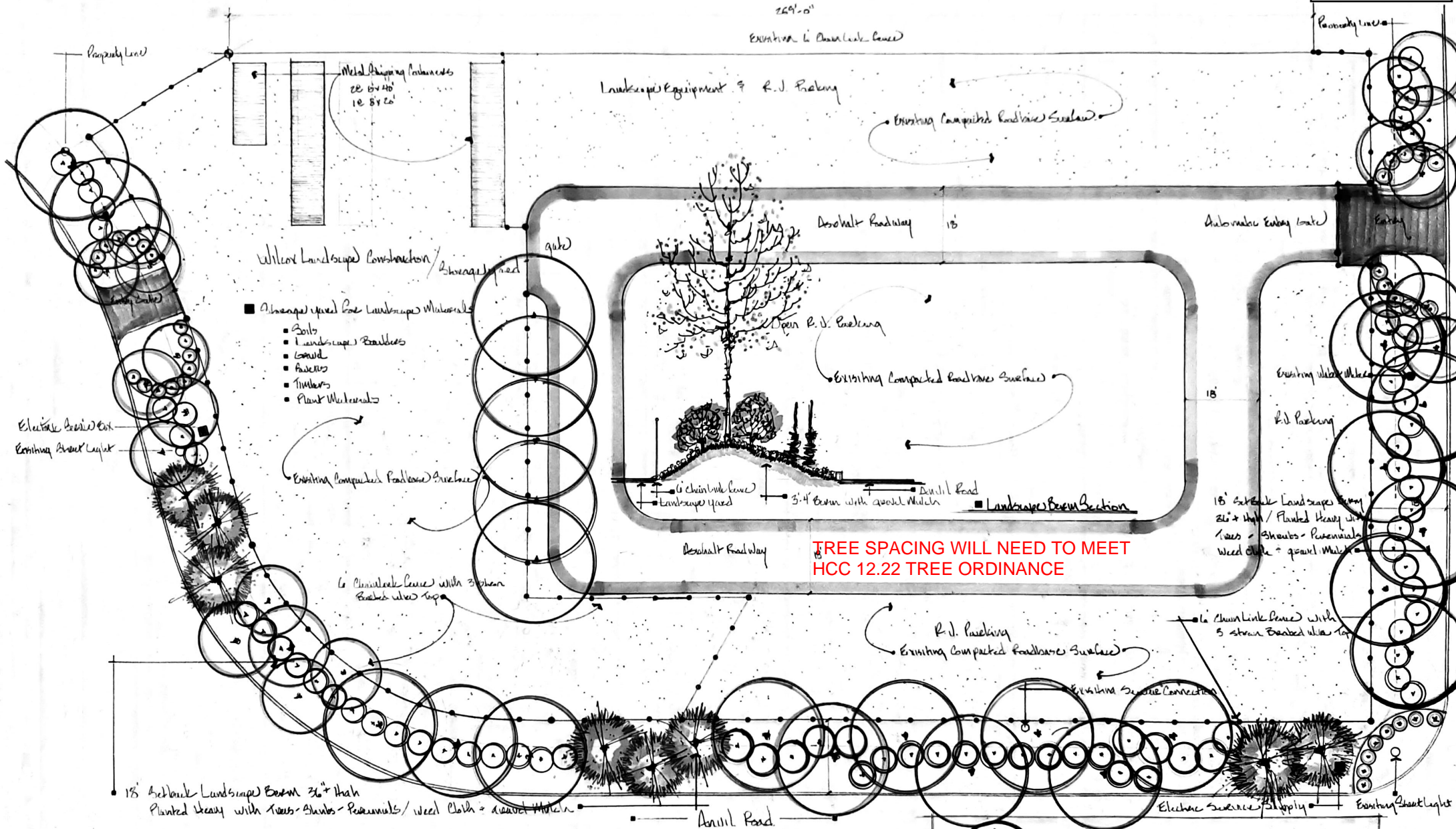
24' Back Landscape Beam

1/2 Chain Link Fence with 3 strand  
Barbed wire top



**WILCOX LANDSCAPE / LANDSCAPE YARD / RV STORAGE**  
 CONCEPTS / CONSTRUCTION  
 31 So. 400 E. Logan, Utah 84321  
 435.757.0328  
 wilcox38@comcast.net  
 M. Kirk Wilcox, Landscape Architect

Blacksmith Fork Business Park  
 Lot # 1 22650 1720 E. Hwy  
 North Scale 1"=10'-0"  
 6-12-2005



Metal Striping Cabinets  
28 1/4" H x 10"  
18 5/8" W

Landscape Equipment & R.V. Parking

Existing Compacted Roadway Surface

Asphalt Roadway 15'

Automatic Entry Gate

Without Landscape Construction / Change of grade

Change of grade for Landscape Materials

- Soils
- Landscape Barriers
- Gravel
- Ascents
- Timbers
- Plant Materials

Electric Street Light  
Existing Street Light

Existing Compacted Roadway Surface

6" chain-link fence  
Landscape yard  
5'-4" berm with gravel Mulch  
Drivill Road  
Landscape Basin Section

**TREE SPACING WILL NEED TO MEET HCC 12.22 TREE ORDINANCE**

15' Setback Landscape Basin  
26" + high / Planted Heavy with  
Trees - Shrubs - Perennials  
Weed Cloth + gravel Mulch

6" Chain-link fence with 3' stem  
Brushed wire top

R.V. Parking  
Existing Compacted Roadway Surface

6" Chain-link fence with  
5' stem Brushed wire top

15' Setback Landscape Basin 36" + high  
Planted Heavy with Trees - Shrubs - Perennials / weed cloth + gravel Mulch

Asphalt Road

Existing Street Light  
Electric Service Supply

- Plant Material
- Trees
    - Broadleaf poplar
    - Quaking Aspen
    - Spruce - Pines
  - Shrubs
    - Invery Halo Dogwood
    - Owl Evening Bush
    - Owl Bark Willow
    - Peeking Cotoneaster



**WILCOX LANDSCAPE** / LANDSCAPE YARD/RV STORAGE  
CONCEPTS / CONSTRUCTION  
Planning Concepts  
31 So. 400 E. Logan, Utah 84321  
435.757.0328  
wilcox38@comcast.net  
M. Kirk Wilcox - Landscape Architect

Blacksmith Fork Business Park  
Lot #1 Asphalt Road @ 1720E

North Scale 1"=0'



**MOUNTAIN VIEW ESTATES SOUTH  
PHASE 5 – FINAL PLAT  
CITY COUNCIL MEETING  
SEPTEMBER 21, 2023**

Summary: Josh Runhaar of the Neighborhood Nonprofit Housing Corporation is seeking final approval of Phase 5 of the Mountain View Estates South subdivision. This project will provide an additional 24 lots on approximately 7.6 acres located between 500 South and 700 South along 1290 East.

ZONING: R-2 Residential

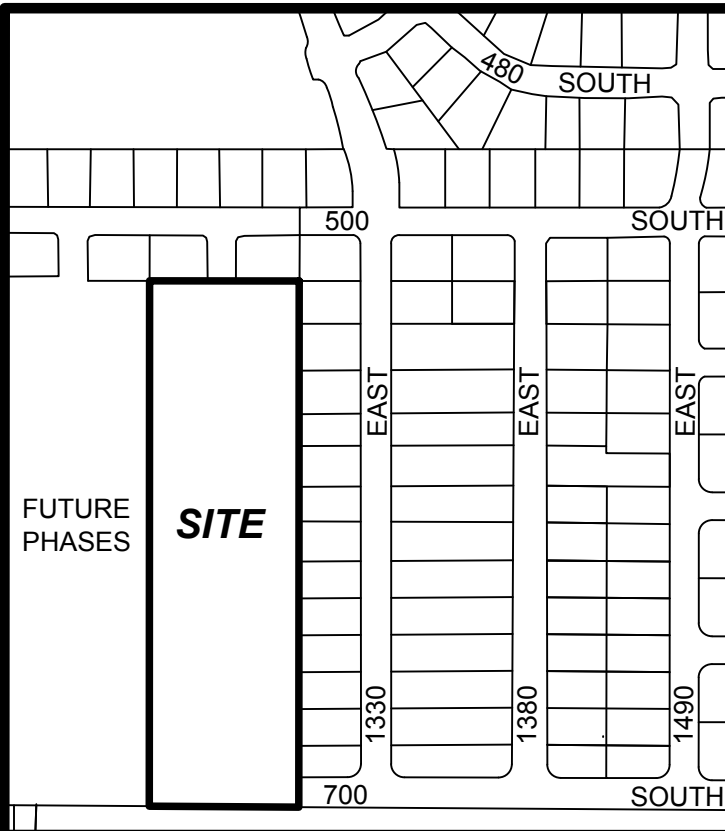
UTILITIES:

Power: By Developer  
Culinary: By Developer  
Sewer: By Developer  
Irrigation: By Developer

PARKING & ROADS: By Developer

Recommendation: Approval should be conditional on the staff comments being addressed.

**Electrical component delays for equipment not already ordered are estimated to be up to 2.5 years. Utility connections are subject to the capacity of the existing system. Sewer and Electrical capacities are being evaluated by their respective departments.**



VICINITY MAP NTS

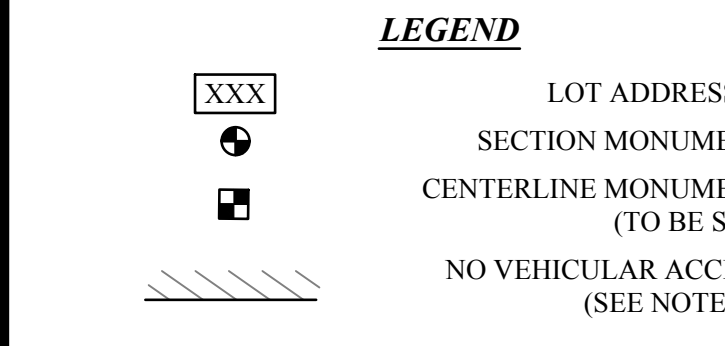
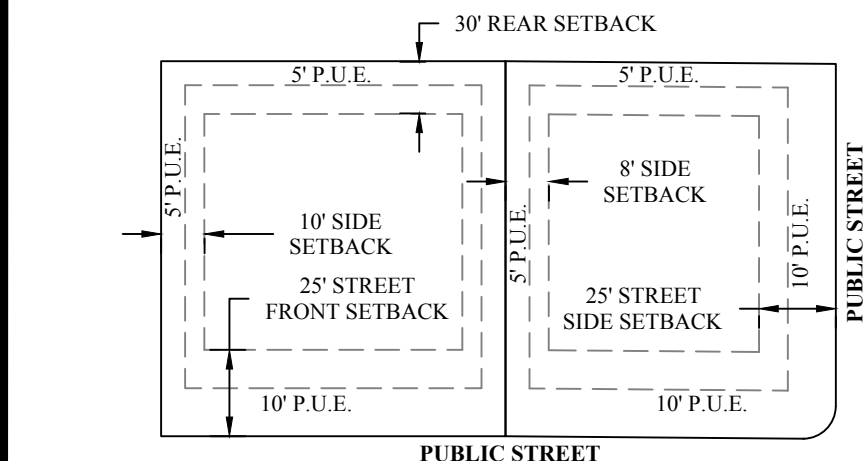
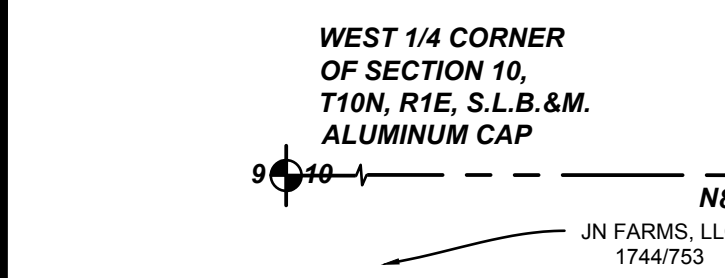


Table with 5 columns: CURVE #, RADIUS, DELTA, ARC LENGTH, CHORD. It lists two curves, C1 and C2, with their respective geometric data.

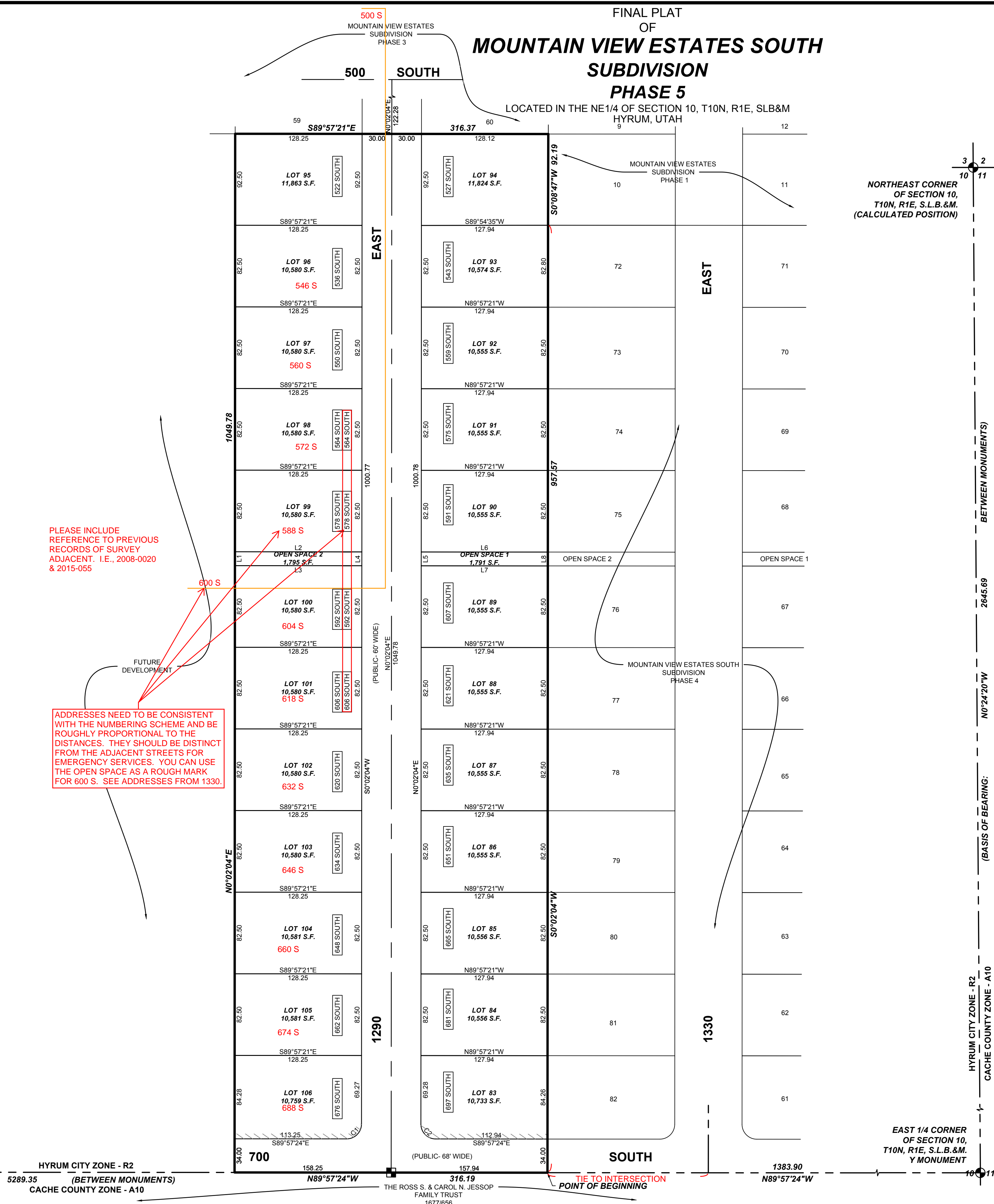
Table with 3 columns: LINE #, BEARING, DISTANCE. It lists eight lines (L1-L8) with their bearings and distances.



PUE & SETBACK DETAIL NTS



Civil Solutions Group Inc. logo and contact information: CACHE VALLEY | P: 435.213.3762, SALT LAKE | P: 801.216.3192, UTAH VALLEY | P: 801.874.1432, info@civilsolutionsgroup.net, www.civilsolutionsgroup.net



PLEASE INCLUDE REFERENCE TO PREVIOUS RECORDS OF SURVEY ADJACENT, I.E., 2008-0020 & 2015-055

ADDRESSES NEED TO BE CONSISTENT WITH THE NUMBERING SCHEME AND BE ROUGHLY PROPORTIONAL TO THE DISTANCES. THEY SHOULD BE DISTINCT FROM THE ADJACENT STREETS FOR EMERGENCY SERVICES. YOU CAN USE THE OPEN SPACE AS A ROUGH MARK FOR 600 S. SEE ADDRESSES FROM 1330.

UTILITY COMPANIES

THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE APPROVED.

DOMINION ENERGY\* DATE \_\_\_\_\_ HYRUM POWER DATE \_\_\_\_\_

COMCAST CABLE DATE \_\_\_\_\_ CENTURYLINK COMMUNICATIONS DATE \_\_\_\_\_

\*DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFORMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THIS PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

ENGINEER'S APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

LAND USE TABLE

TOTAL PROJECT AREA:	7.62 +/- ACRES
TOTAL AREA OF OPEN SPACE LOTS:	3,586 +/- SF
TOTAL AREA OF RESIDENTIAL LOTS:	5.89 +/- ACRES
TOTAL # OF RESIDENTIAL LOTS:	24
TOTAL # OF OPEN SPACE LOTS:	2
TOTAL ROAD AREA:	1.67 +/- ACRES
TOTAL ROAD MILES:	0.26 +/- MILES

ADD OWNER INFORMATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ATTORNEY APPROVAL

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

CULINARY WATER AND SANITARY SEWER

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY \_\_\_\_\_ BY HYRUM CULINARY WATER AUTHORITY AND SANITARY SEWER AUTHORITY

PLANNING COMMISSION APPROVAL

PRESENTED TO THE HYRUM CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

CITY COUNCIL APPROVAL

PRESENTED TO THE HYRUM CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

HYRUM CITY MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

HYRUM CITY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY SURVEYOR'S APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND FURTHER CERTIFY THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

COUNTY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

FINAL PLAT OF MOUNTAIN VIEW ESTATES SOUTH SUBDIVISION PHASE 5

LOCATED IN THE NE1/4 OF SECTION 10, T10N, R1E, SLB&M HYRUM, UTAH

RECORDED # \_\_\_\_\_

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

\$ \_\_\_\_\_

FEE \_\_\_\_\_ CACHE COUNTY RECORDER \_\_\_\_\_

NORTHEAST CORNER OF SECTION 10, T10N, R1E, S.L.B.&M. (CALCULATED POSITION)

NOTES:

- EXTENSIONS FOR SANITARY SEWER SYSTEMS, GAS SERVICE, ELECTRICAL SERVICE, GRADING AND LANDSCAPING, STORM DRAIN SYSTEMS, CURBS AND GUTTERS, FIRE HYDRANTS, PAVEMENT, SIDEWALKS, STREET LIGHTING AND SIGNING, AND OTHER IMPROVEMENTS SHALL BE FINANCED BY SUBDIVIDER.
- ALTHOUGH THE SETBACK LINES SHOWN HEREON REFLECT CURRENT CITY REQUIREMENTS AS OF THE DATE OF THIS PLAT, FUTURE BUILDINGS SHALL BE SUBJECT TO THE SETBACK REQUIREMENTS IN EFFECT WHEN ANY BUILDING PERMITS ARE ISSUED. THE CURRENT SETBACKS, GRAPHICALLY SHOWN HEREON ARE AS FOLLOWS:
  - FRONT 25'
  - REAR 30'
  - SIDE 8' & 10' (SEE DETAIL)
  - 25' (IF SIDE YARD FRONTS A STREET)
- THIS AREA IS SUBJECT TO THE NORMAL EVERYDAY SOUNDS, ODORS, SIGHTS, EQUIPMENT, FACILITIES, AND ALL OTHER ASPECTS ASSOCIATED WITH AN AGRICULTURAL LIFESTYLE. FUTURE RESIDENTS SHOULD ALSO RECOGNIZE THE RISKS INHERENT WITH LIVESTOCK.
- THE DEVELOPER WILL PLANT TWO (2) TREES HAVING A MINIMUM DIAMETER OF ONE AND ONE HALF (1 1/2) INCHES FOR EACH APPROVED SUBDIVISION LOT FOUR (4) TREES SHALL BE PLANTED ON CORNER LOTS.
- ALL STORM WATER SWALES SHALL REMAIN IN PLACE AFTER CONSTRUCTION. LOT OWNERS MAY NOT FILL IN OR MODIFY SWALE CONSTRUCTION.
- SECTIONAL DATA AND OTHER SURVEY INFORMATION DISCLOSED ON THIS PLAT IS REFERENCED FROM A SURVEY PREPARED FOR GREGORY NIELSEN BY A.A.HUDSON AND ASSOCIATES AND FILED IN THE OFFICE OF THE CACHE COUNTY SURVEYOR UNDER SURVEY No. 2015-055.
- OPEN SPACE PARCELS 1 & 2 ARE NON-BUILDABLE PARCELS AND ARE HEREBY DEDICATED TO, AND SHALL BE MAINTAINED BY HYRUM CITY.
- AS A CONDITION OF THE DEDICATION OF 700 SOUTH, THE OWNERS OF LOTS 83 & 106 ABUTTING THIS HIGHWAY WILL HAVE NO VEHICULAR RIGHT OF ACCESS EXCEPT THE GENERAL EASEMENT OF TRAVEL. ANY CHANGE OF ALIGNMENT OR WIDTH THAT RESULTS IN THE VACATION THEREOF SHALL TERMINATE THIS CONDITION OF ACCESS RIGHTS AS TO THE PART VACATED.
- REBAR AND CAP MARKED WITH CSG ENG & SURVEY TO BE PLACED WITH T-POST AT ALL REAR LOT CORNERS. CURB PIN TO BE PLACED AT PROLONGATION OF PROPERTY LINES IN THE TOP OF THE CURB.

SURVEYOR'S CERTIFICATE

I, CURTIS BOWN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 12606452-2201 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNER(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE, AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

CURTIS BOWN \_\_\_\_\_ DATE \_\_\_\_\_

PROFESSIONAL LAND SURVEYOR

CERTIFICATE NO. 12606452-2201

BOUNDARY DESCRIPTION

A portion of the NE1/4 of Section 10, Township 10 North, Range 1 East, Salt Lake Base & Meridian, located in Hyrum, Utah, more particularly described as follows:

Beginning at a point located N89°57'24"W along the 1/4 Section line 1,383.90 feet from the East 1/4 Corner of Section 10, T10N, R1E, S.L.B.& M. (Basis of Bearing: N0°24'20"W along the Section line between said East 1/4 Corner and the Northeast Corner of said Section 10); thence N89°57'24"W along the 1/4 Section line 316.19 feet; thence N0°02'04"E 1,049.78 feet to the southwest corner of Lot 59, Phase 3, MOUNTAIN VIEW ESTATES Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; thence S89°57'21"E along said Plat 316.37 feet to the northwest corner of Lot 10, Phase 1, MOUNTAIN VIEW ESTATES Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; thence S0°08'47"W along said Plat 92.19 feet to the northwest corner of Lot 72, Phase 4, MOUNTAIN VIEW ESTATES SOUTH Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; thence S0°02'04"W +/- along said Plat 957.57 feet to the point of beginning.

Contains: 7.62 +/- acres

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOW AS.

### MOUNTAIN VIEW ESTATES SOUTH SUBDIVISION PHASE 5

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(SIGNATURE)

BY: \_\_\_\_\_ (PRINTED NAME)

ITS: EXECUTIVE DIRECTOR

CORPORATE ACKNOWLEDGMENT

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE/SHE IS THE EXECUTIVE DIRECTOR OF NEIGHBORHOOD NONPROFIT HOUSING CORPORATION AND THAT THIS DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR RESOLUTION OF ITS BOARD OF DIRECTORS, AND SAID \_\_\_\_\_ ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION No. \_\_\_\_\_ PRINTED FULL NAME OF NOTARY

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY \_\_\_\_\_ BY HYRUM CULINARY WATER AUTHORITY AND SANITARY SEWER AUTHORITY

CULINARY WATER AUTHORITY \_\_\_\_\_ SANITARY SEWER AUTHORITY \_\_\_\_\_

PRESENTED TO THE HYRUM CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

### FINAL PLAT OF MOUNTAIN VIEW ESTATES SOUTH SUBDIVISION PHASE 5

LOCATED IN THE NE1/4 OF SECTION 10, T10N, R1E, SLB&M HYRUM, UTAH

RECORDED # \_\_\_\_\_

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

\$ \_\_\_\_\_

FEE \_\_\_\_\_ CACHE COUNTY RECORDER \_\_\_\_\_

## ORDINANCE 23-10

AN ORDINANCE ADOPTING PROVISIONS FOR THE COLLECTION OF WASTE WITHIN HYRUM CITY LIMITS.

WHEREAS, the Utah Code § 10-11-1(2)(ii) grants municipalities the right to regulate the abatement of garbage and refuse;

WHEREAS, due to termination of the agreement for waste collection services with Logan City Hyrum City (the "City") in concert with several other municipalities and Cache County formed an interlocal agreement pursuant to Utah Code § 11-13-101 and created an entity entitled the Cache Waste Consortium (the "Consortium") to procure waste collections services for Cache County and the participating municipalities;

WHEREAS, the Consortium entered into that certain Solid Waste Services Agreement with Waste Management of Utah, Inc. ("Waste Management") dated March 22, 2023 (the "Services Agreement") by which Waste Management agreed to provide waste collection services for all cities in the Consortium;

WHEREAS, as a condition of Waste Management entering into the Services Agreement, Waste Management sought the exclusive ability to provide waste collection services in all jurisdictions that are part of the Consortium;

WHEREAS, the Services Agreement requires the City to adopt an ordinance making Waste Management the exclusive waste collection services provider in the City; and

WHEREAS, the Hyrum City Council determined it was in the best interests of the residents of the City to participate as part of the Consortium and adopt an ordinance as required by the Services Agreement;

NOW, THEREFORE, BE IT ORDAINED, by the Council of Hyrum City, Cache County, State of Utah, as follows:

1. Title 8, Chapter 12, of the Hyrum City Code (the "Code") is hereby adopted to read as follows:

**SECTION 1:**        **PURPOSE.** The City is a party to that certain Interlocal Cooperation Agreement between Cache County and Participating Municipalities of Cache County for Creation of an Interlocal Entity for County and Municipal Solid Waste Disposal

dated November 2022 (the "Interlocal Agreement") which established the interlocal entity called the Cache Waste Consortium (the "Consortium"). The Consortium may from time to time enter into certain Solid Waste Services Agreements (the "Services Agreement") whereby providers agree to provide waste collection services for all governmental entities who are a part of the Consortium. The Services Agreements require governmental entities in the Consortium to adopt ordinances for the enforcement of the exclusive right granted to the provider under contract with the Consortium. This Chapter is meant to, and should be interpreted to, meet the requirements of the current Services Agreement of the Consortium.

## **SECTION 2: DEFINITIONS**

A. **"Bin"** means a watertight metal or heavy plastic receptacle with a hinged plastic lid and a capacity of between one (1) and eight (8) cubic yards, designed or intended to be mechanically dumped into a packer type truck and provided to the City by the City Collector.

B. **"Cart"** means a watertight heavy plastic receptacle with a rated capacity of approximately sixty-four (64) or ninety-six (96) gallons, having a hinged, tight-fitting lid, and two (2) wheels and provided to the City by the City Collector.

C. **"City Collector"** means the provider currently established by resolution of the City Council.

D. **"Collection Service(s)"** means the process by which Solid Waste is removed from a Commercial or Residential Premises, transported to a transfer, disposal or processing facility, and subsequently disposed or processed.

E. **"Commercial Premises"** means (i) Multi-Family Complexes, and (ii) Premises at which business or governmental activity is conducted, including, but not limited to, retail sales, services, medical facilities, wholesale operations, manufacturing and industrial operations, governmental operations, and schools.

F. **"Container"** means a Bin, Cart or Roll-Off Container provided by the City Provider.

G. **" Dwelling Unit "** means any individual living unit that includes a kitchen, and a room or suite of rooms, and is designed or occupied as separate living quarters for an individual or group of individuals. However, Dwelling Unit does not include a hotel or motel unit.

H. **"Green Waste"** means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than three (3) feet in its longest dimension or six (6) inches in diameter. Green Waste includes, but is not limited to, plant debris, grass clippings, leaves, pruning's, weeds, branches, brush, undecorated Christmas trees, and other forms of vegetative waste.

I. **"Multi-Family Complex"** means any Premises with two (2) or more Dwelling Units, where such Dwelling Units receive centralized Collection Services (and not individualized Cart-based Collection Services).

J. **"Multi-Family Dwelling Unit"** means a Dwelling Unit in a Multi-Family Complex.

K. **"Overage"** is defined as (i) Refuse, Recyclables or Green Waste exceeding its Container's intended capacity such that the lid is lifted by at least ten inches (or would be lifted by at least ten inches if lowered) or (ii) Refuse, Recyclables or Green Waste placed on top of or in the immediate vicinity of the Container, in bags or otherwise.

L. **"Premises"** means any parcel of real property in the City where Solid Waste is generated or accumulated.

M. **"Recyclables"** means aluminum cans, PET bottles with the symbol #1 with screw tops only, HDPE plastic bottles and containers with the symbol #2 (milk jugs, detergent containers, and shampoo bottles, etc.), PP plastic bottles and containers with symbol # 5 (ex. yogurt containers, syrup bottles), steel and tin cans, glass food and beverage containers - any color, newspaper, mail, uncoated paperboard (Cereal boxes, food and snack boxes), old corrugated containers/cardboard (uncoated) (moving boxes, pizza boxes), magazines, glossy inserts and pamphlets.

N. **"Refuse"** means Solid Waste that is set out for collection and disposal pursuant to this Agreement. Refuse does not include Recyclables or Green Waste set out for collection.

O. **"Residential Premises"** means a Single-Family Premises.

P. **"Roll-Off Container"** means an all-metal container with ten (10) cubic yards or more capacity that is loaded onto a specialized collection vehicle.

Q. **"Service Recipient"** means an owner or occupant of a Residential or Commercial Premises who is receiving Collection Services.

R. **"Single-Family Premises"** means (i) any Premises with less than four (4) Dwelling Units, and (ii) any Premises with four (4) or more Dwelling Units where each Dwelling Unit receives individualized Cart-based Collection Services (and not centralized Collection Services), which Premises have been registered or verified with the City for the receipt of Collection Services.

S. **"Solid Waste"** means all putrescible and non-putrescible solid, semi-solid, and liquid wastes that are generated or coming to exist in the City, including discarded Recyclables and Green Waste, but excluding Unacceptable Waste.

T. **"Unacceptable Waste"** means any waste tires, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, bio-hazardous, regulated medical or hazardous waste, toxic substance or material, as defined by, characterized, or listed under applicable federal, state, or local laws or regulations, any materials containing information protected by federal, state or local privacy and security laws or regulations (unless tendered to the City Collector pursuant to a separate agreement), or any material the acceptance or handling of which would cause a violation of any applicable statute, rule or regulation, damage to the City Collector's equipment or facilities, or present a substantial endangerment to the health or safety of the public or the City Collector's employees. Title to and liability for Unacceptable Waste shall remain with the generator at all times.

**SECTION 3: WASTE MANAGEMENT GRANTED EXCLUSIVE FRANCHISE.**

The City Collector is hereby granted the exclusive duty, right and privilege to provide Collection Services or otherwise handle all Solid Waste generated, deposited, accumulated or coming to exist at Commercial and Residential Premises in the City.

**SECTION 4: REQUIREMENT FOR COLLECTION SERVICES.** All

Commercial and Residential Premises in the City shall receive Collection Services through the City Collector and shall enroll in Collection Services with the City through the forms and agreements adopted by the City.

**SECTION 5: PROHIBITIONS.**

A. Except as provided herein, it shall be unlawful for any person, except the City Collector, to collect or remove any Solid

Waste, whether commercial or residential, accumulated or located within the City, or use the streets, avenues, alleys or ways within the City for the purpose of collection or transportation of same.

B. It shall be unlawful for more than one Single-Family Premises to share the same Collection Services account with the City.

C. Except as may occur through ordinary wear and tear, it shall be unlawful for any person to lose, damage or destroy any Container.

D. It shall be unlawful for any person to intentionally remit any Unusable Waste in any Container with the purpose of the Unusual Waste being picked up as part of Collection Services.

E. It shall be unlawful for any person to cause any Overage with any Container.

F. It shall be unlawful for any person to overfill any Container. For the purposes of this subsection, "overfill" shall mean two times the volume capacity of the Container (e.g. 192 pounds for a 96-gallon Cart).

G. Nothing herein shall be construed to prohibit any owner, occupant or tenant of a Premises from personally handling, or contracting with a third-party on a strictly limited basis for purposes of hauling, or transporting Solid Waste generated by or from such Premises for purposes of disposing of the same at an authorized disposal area or transfer station.

H. Nothing herein shall be construed to prohibit the right of any person to sell Recyclables (i.e., receipt of a net payment) to any person lawfully engaged in the recycling business in the City or to donate Recyclables to any bona fide charity, provided that all such Recyclables are separated by the generator of the Recyclables.

**SECTION 6: GENERAL PENTALTY/INDEMNITY.** Any person who violates any provision of this Chapter shall be guilty of a class C misdemeanor, and shall, at the exclusive election of the City indemnify the City against any and all costs and expenses incurred by the City as a result of the violation, including costs and attorney fees incurred in enforcing the provisions of this Chapter or collecting any amounts due and owing to the City due to Collection Services.

ADOPTED AND PASSED, by the HYRUM CITY COUNCIL this 21<sup>st</sup> day of September, 2023.

HYRUM CITY

By: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

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

Posting Date: \_\_\_\_\_



RESOLUTION 23-20

A RESOLUTION APPOINTING UAMPS MEMBER REPRESENTATIVES.

BE IT RESOLVED by the City Council of Hyrum City, Utah:

1. That Thomas Cooper is hereby appointed as its Representative to Utah Associated Municipal Power Systems ("UAMPS") effective August 14, 2023 together with such alternate or alternates as the Mayor shall appoint.

2. That the Mayor hereby appoints Quentin Voth and Blake Ballard as its alternates.

3. That this resolution shall remain in effect until repealed by another resolution appointing a different Representative to UAMPS.

APPROVED AND ADOPTED this 21<sup>st</sup> day of September, 2023.

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

ATTEST:

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

RESOLUTION 23-21

A RESOLUTION SETTING SOLID WASTE COLLECTION FEES.

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, due to termination of the agreement for waste collection services with Logan City Hyrum City (the "City") in concert with several other municipalities and Cache County formed an interlocal agreement pursuant to Utah Code § 11-13-101 and created an entity entitled the Cache Waste Consortium (the "Consortium") to procure waste collections services for Cache County and the participating municipalities; and

WHEREAS, the Consortium entered into that certain Solid Waste Services Agreement with Waste Management of Utah, Inc. ("Waste Management") dated March 22, 2023 (the "Services Agreement") by which Waste Management agreed to provide waste collection services for all cities in the Consortium; and

WHEREAS, the Service Agreement required the City to adopt Ordinance 23-10 making Waste Management of Utah the exclusive waste collection services provider in the City; and

WHEREAS, Chapter 8.12, Section 8.12.030, of the Hyrum City Municipal Code, authorizes periodic adjustments to solid waste collection rates and fees by resolution of the governing body in an amount to be consistent with the contract between Cache Waste Consortium, Hyrum City, and Waste Management of Utah.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. SOLID WASTE COLLECTION FEES

Service charges for solid waste collection shall be set for residential users in the amounts established by Waste Management of Utah by the schedule attached hereto as Exhibit A.

2. PROVISION FOR CONTINUANCE

Service charges for solid waste collection to users within the Hyrum City billing area shall be set at [REDACTED] percent above the amounts charged to Hyrum City by Waste Management of Utah and shall automatically be adjusted as the rates and contract agreement are amended from time to time as agreed to by both parties.

BE IT FURTHER RESOLVED, that this resolution shall become effective on October 1, 2023 and the solid waste collection rates authorized herein shall apply to all subsequent solid waste service billings.

ADOPTED AND PASSED by the Hyrum City Council this 21st day of September, 2023.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

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

## EXHIBIT "A"

2023					
PROPOSED GARBAGE RATE CHANGE					
		PROPOSED	PROPOSED	PROPOSED	
		5% ADDED	7.5% ADDED	10% ADDED	
	WASTE MANAGEMENT				
60 GAL W/REC WEEKLY COLLECTION	\$ 20.00	\$ 22.00	\$ 22.50	\$ 23.00	
RECYCLE CAN	\$ 5.00	\$ 6.25	\$ 6.38	\$ 6.50	
90 GAL W/REC WEEKLY COLLECTION	\$ 20.99	\$ 23.04	\$ 23.56	\$ 24.09	
GREEN WASTE CAN	\$ 9.00	\$ 10.45	\$ 10.68	\$ 10.90	
EXTRA CAN 60	\$ 8.25	\$ 9.66	\$ 9.87	\$ 10.08	
EXTRA CAN 90	\$ 8.25	\$ 9.66	\$ 9.87	\$ 10.08	
EXTRA RECYCLE CAN	\$ 5.00	\$ 6.25	\$ 6.38	\$ 6.50	
NEW HOME DELIVERY OF CAN	\$ 25.00	\$ 26.25	\$ 26.88	\$ 27.50	
NEW HOME PICK UP OF CAN	NA	NA	NA	NA	

**SUBDIVISION IMPROVEMENT ACCEPTANCE  
WARRANTY  
CITY COUNCIL MEETING  
SEPTEMBER 21, 2023**

The required public improvements have been completed as of September 1, 2022 and the minimum one-year warranty has matured for the following developments:

Hidden Valley Phase 1

Mountain View Estates Phase 3

Mountain View Estates South Phases 1 and 2

Scenic Mountain Phase 1

**Recommendations:**

That the required public improvements be accepted by Hyrum City for maintenance and public use.

Warranty bonds and/or deposits will be released upon acceptance of the record drawings (as-builts) by the Zoning Administrator per code requirements.

## NATURAL GAS FACILITIES AGREEMENT

**THIS NATURAL GAS FACILITIES AGREEMENT** (Agreement) is entered into this \_\_\_ day of \_\_\_\_\_ 2023, by and between **Questar Gas Company dba Dominion Energy Utah** (Dominion Energy), a Utah corporation, located at 333 South State Street, Salt Lake City, Utah 84111 and Hyrum City, a Utah municipality (Customer), with offices located at 60 West Main, Hyrum, Utah 84319. Dominion Energy and Customer are referred to collectively as the Parties and singularly as a Party.

### THE PARTIES REPRESENT THAT:

A. Dominion Energy is a regulated public utility engaged in the distribution of natural gas primarily to customers in the states of Utah and Wyoming and is subject to its Utah Natural Gas Tariff No. 600 (Tariff) and regulations approved by the Utah Public Service Commission.

B. Customer is constructing a power generation facility at 355 West 7000 North in Hyrum City, Utah (Property). Customer represents that the power generation facility will use up to 80 Dth/hr and Dominion Energy will serve the power generation facility from its Intermediate High Pressure (IHP) system. In order to do so, Dominion Energy will install approximately 2,300 feet of 8-inch plastic main line pipe, 175 feet of 6-inch plastic service line pipe, and metering facilities as more specifically described herein.

C. Dominion Energy is willing to perform the work described above, and Customer agrees that it will pay for such extension on the terms and conditions set forth in this Agreement.

### THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Scope of Work. Dominion Energy shall install approximately 2,300 feet of 8-inch plastic main, 175 feet of 6-inch plastic service line, and metering facilities as more specifically shown on the attached **Exhibit A**, incorporated by this reference (the Site). The natural gas facilities identified in this paragraph are collectively the "Facilities." Installation of the Facilities, as specified below and as designated in the field, as well as any related work, is referred to as the "Work."

The Work shall include, but not be limited to, the following:

- a. Trenching;
  - b. Shading;
  - c. Installation of plastic pipe;
  - d. Inspecting;
  - e. Testing; and
  - f. Construction of meter facilities.
2. Required Capital Contribution.
- a. Customer agrees to pay to Dominion Energy the full and complete cost of installation of the Facilities and related work;
  - b. The total cost of the Work is estimated to be **\$780,000. This estimate is based upon the costs of material and labor in May of 2022, and is not guaranteed. Actual cost at the time the Work is performed may be higher or lower based on market conditions or other conditions, including but not limited to changes in labor or contractor costs or the cost to procure pipe or other materials.** When Company selects a contractor for the Work, it will provide Customer with an updated estimate cost of the Work in writing. This updated estimate is referred to herein as the "Required Capital Contribution" Within fifteen (15) days of receiving the updated estimate, Customer shall either notify the Company in writing of its intent to terminate this Agreement, or remit payment of Required Capital Contribution. The Required Capital Contribution does not include additional construction costs that may arise during the Work, including but not limited to, costs for obtaining rights-of-way and permits, difficult or weather-related construction conditions, frost, rock trenching, other requests by Customer, or unanticipated delays (Additional Construction Costs). Customer shall be responsible for any

increased costs due to price changes for labor or materials, which will be billed as Additional Construction Costs. **Payment of the Required Capital Contribution to Dominion Energy by Customer is a condition precedent to any obligation to commence the Work.** Customer agrees to pay all **actual** costs associated with the Work. This shall include all of the costs identified herein and any Additional Construction Costs are subject to change based on materials and contractor costs as described above.

Customer agrees to pay all **actual** costs associated with the Work. This shall include all the costs identified herein, and all costs are subject to change based on materials and contractor costs. Within 120 days following completion of the Work, Dominion Energy shall submit to Customer an itemized statement of the **actual** final costs (Final Costs) incurred. In the event the Final Costs exceed the Required Capital Contribution, Customer shall pay Dominion Energy the difference within 30 days of the date of the itemized statement of costs. In the event the Required Capital Contribution exceed the Final Costs, Dominion Energy shall pay Customer the difference within 30 days of submitting the statement of costs. Any past due amounts shall bear interest at the rate of 6% per annum.

3. Schedule. Dominion Energy will notify Customer at least 48 hours in advance of beginning the Work. Dominion Energy may adjust its schedules without notice as required to handle emergencies on its system, after which it will informally notify Customer as to when the Work will be resumed.
4. Cooperation. Customer shall ensure that its employees, agents, contractors and subcontractors coordinate their efforts and cooperate fully with Dominion Energy as required for efficient completion of the Work. In particular, Customer and Dominion Energy its employees, agents, contractors and subcontractors shall observe the requirements of Title 54, Chapter 8A of the Utah Code, titled Damage to Underground Utility Facilities, in connection with construction activities in the vicinity of the Work.
5. Rights-of-Way and Exclusive Easement. Customer grants to Dominion Energy, its agents and employees, the right to enter Customer's property at all reasonable times and at any time in the event of an emergency, and for all purposes related to the Work, the operation and maintenance of the Facilities, and/or the provision of natural gas service, including, but not limited to, the installation, inspection, maintenance, operation, protection, removal, replacement, service, and repair of the Facilities. Customer shall provide Dominion Energy with a 20 ft wide pipeline right-of-way for placement of the Facilities, as well as an exclusive easement for the placement of a regulator station. Customer will provide the pipeline easement in a form substantially similar to that shown in **Exhibit B**. Customer shall provide the exclusive easement in a form substantially similar to **Exhibit C**. Dominion Energy will not commence construction until it has received all required rights-of-way and the exclusive easement referenced in this Paragraph.
6. Cancellation. If the Work does not begin within six months of the Effective Date due to any cause, other than Dominion Energy's lack of diligence, Dominion Energy may, at its option, cancel this Agreement and charge Customer for any actual costs incurred up to the date of cancellation.
7. Subcontractors. Dominion Energy may subcontract with third parties, at its sole discretion, for the provision of any of the services contemplated by this Agreement, and so doing does not create or pose third party beneficiary status upon Customer.
8. Contamination. If Dominion Energy encounters any contaminated soil or groundwater during the Work that requires remediation or disposal, or poses a hazard, Dominion Energy may suspend the installation or trenching until the contamination is removed, disposed of and/or remediated to Dominion' satisfaction and at no cost to Dominion. Upon prior written notice to the Customer, if Dominion Energy elects to remediate the contamination, Customer shall pay all costs incurred by Dominion Energy arising from or caused by the remediation as Additional Construction Costs.
9. Adverse Weather. If, during or prior to construction, Dominion Energy encounters adverse weather conditions that, in Dominion' sole judgment, prevent it from safely excavating or backfilling trenches or any other Work contemplated by this Agreement using its normal construction methods and equipment, Dominion Energy may, at its sole discretion, postpone construction until weather conditions permit normal construction methods.

10. Ownership of Facilities. The Facilities that Dominion Energy constructs to render natural gas service shall at all times remain solely the property of Dominion. Dominion Energy may render service to other customers from these Facilities and otherwise utilize them as it sees fit without liability of any kind, except that Dominion Energy would have to obtain any additional right-of-way for related pipelines over Customer property, the granting of which would be at Customer's reasonable discretion. Nothing herein shall constitute a waiver of any legal right to condemn real property and Dominion Energy expressly retains any right of condemnation that it may have against Customer or any other property owner.
11. Relocation. Dominion Energy shall have no obligation to relocate any of the Facilities. If Customer requests that any of the Facilities be relocated, and Dominion Energy agrees to relocate the facilities, then Customer shall bear all costs associated with such relocation.
12. Minimum Distances. Customer shall not install and shall not permit the installation of any underground facilities within three feet horizontally or one foot vertically from Dominion's Facilities. Customer shall not install and shall not permit the installation of any above-ground structures within fifteen (15) feet of Dominion's Facilities.
13. Indemnity. To the fullest extent permitted by law, Customer shall release, indemnify, hold harmless, and defend Dominion, its parent company and affiliates at any tier, and their respective directors, officers, employees, and agents (collectively Indemnified Parties) from and against any and all liabilities, losses, claims, demands, liens, fines, and actions of any nature whatsoever, including but not limited to attorney fees and defense costs (collectively Liabilities) arising out of, related to, or in connection with any Work contemplated by this Agreement; however, in no event shall Customer be required to indemnify or defend the Indemnified Parties from and against any Liabilities to the extent caused by the negligence or willful misconduct of Dominion Energy or Dominion's contractors at any tier. The release, indemnification, hold harmless, and defense obligations of this Agreement extend, but are not limited to, Liabilities in favor of, claimed, demanded or brought by Customer itself, Customer's employees or subcontractors, employees of the Indemnified Parties, or third parties on account of injury, death, property damage, or other losses. Without relieving Customer of any obligation under this Agreement, Dominion Energy may, at its option, fully participate in the investigation, defense, and settlement of any Liabilities.
14. Consequential Damages. Dominion Energy shall not be liable to Customer for any indirect, consequential, incidental, special, punitive, or exemplary damages including, but not limited to, loss of profit, loss of use, or business interruption, even if advised of the possibility of such damages.
15. Force Majeure. Except for payment of amounts due, Dominion Energy shall not be liable for any failure to perform this Agreement, when the failure is due to any because which is not reasonably within the control of Dominion. Prompt, detailed notice of the force majeure shall be given by Dominion Energy to Customer. In the event of force majeure, Dominion Energy shall immediately take all necessary action to abate the cause.
16. Natural Gas Service. This Agreement is not an agreement to provide natural gas service. Upon completion of the Facilities, Dominion Energy will provide natural gas service utilizing the Facilities in accordance with Dominion's Utah Natural Gas Tariff, PSCU 600 ("Tariff") on file with the Utah Public Service Commission ("Commission") as may be revised from time to time. No Party shall be precluded by this Agreement from petitioning the Commission for modification of any applicable rate schedules or rules and regulations pertaining to gas service. Nothing in this Agreement shall be deemed to require Dominion Energy to install additional capacity to serve Customer's future needs.
17. Notices. All notices concerning this Agreement, other than the day-to-day communications between the Parties, shall be in writing and shall be sent to the relevant address set forth below. The Parties may designate other addressees or addresses by notice to the other Party. A notice shall be deemed effective (a) when given by hand delivery; (b) three days after deposit into the U.S. mail, postage prepaid; or (c) one business day after deposit with commercial overnight delivery service, charges prepaid.



Utah  
Attn: Director of Account Management  
333 South State Street  
P.O. Box 45360  
Salt Lake City, Utah 84145-0360

Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Assignment. Neither Party may assign this Agreement or any rights, obligations, or payments unless, in advance of the assignment, it has received the other Party’s written consent. This Agreement shall be binding upon and inure to the benefit of the Parties’ permitted successors and assigns.

19. Severability. If any provision or part of a provision of this Agreement is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision, but this Agreement shall be construed as if it did not contain such invalid, illegal, or unenforceable provision. Each provision shall be deemed to be enforceable to the fullest extent available under applicable law.

20. Survival of Terms. The Parties’ representations, rights and obligations of indemnity, limitations of damages, and payment created or required to be enforced shall survive termination of this Agreement.

21. Waiver. The failure of a Party to require the performance of a term or obligation under this Agreement, or the waiver by a Party of any breach, shall not prevent subsequent enforcement of such term or obligation or be deemed a waiver of any subsequent breach under this Agreement. No waiver of any provision of this Agreement shall be valid unless in writing and signed by the Party against whom charged.

22. Applicable Law. This Agreement is governed by Utah law and the Tariff, rules, and regulations on file with the Commission. In the event that the Tariff, rules, or applicable regulations conflict with any term in this Agreement, the Tariff, rules or applicable regulations shall govern. In the event it becomes necessary for either Party to enforce its rights under this Agreement, then with or without litigation, the prevailing Party shall be entitled to recover all expenses, including reasonable attorney fees and costs, arising out of the enforcement of its rights.

23. Entire Agreement. This Agreement, together with its exhibit(s), contains the entire agreement between the Parties concerning the subject matter, and it replaces and supersedes any and all prior or contemporaneous, oral or written, agreements, understandings, communications, and representations between the Parties. Any terms or conditions contained in any confirmation, statement, or invoice that differ or vary the terms of this Agreement are null and void and shall have no effect between the Parties. This Agreement may not be amended except in writing signed by the Parties.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will constitute an original but all of which together constitute a single document.

25. Authority. Each person signing this Agreement warrants that the person has full legal capacity, power and authority to execute this Agreement for and on behalf of the respective Party and to bind such Party.

INTENDING TO BE LEGALLY BOUND, the Parties have executed this Agreement on the day and year first above written.

**QUESTAR GAS COMPANY**  
**dba DOMINION ENERGY UTAH**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A  
(The Facilities)**

**THIS EXHIBIT A** (Exhibit A) is part of and subject to the Facilities Agreement by and between Questar Gas Company dba Utah (Dominion Energy) and Hyrum City (Customer) effective \_\_\_\_\_, 202\_ (Agreement). Capitalized terms used but not defined in this Exhibit A have the meanings assigned them in the Agreement.



**EXHIBIT B**  
**(Form Right of Way and Easement Grant)**

WHEN RECORDED MAIL TO:

Questar Gas Company  
P.O. Box 45360, Right-of-way  
Salt Lake City, UT 84145-0360  
CP

*Space above for County Recorder's use*  
PARCEL I.D.#

**RIGHT-OF-WAY AND EASEMENT GRANT**

Hyrum City, a Utah municipality, Grantor, does hereby convey to QUESTAR GAS COMPANY dba Dominion Energy Utah, a corporation of the State of Utah, Grantee, its successors and assigns, for the sum of ONE DOLLAR (\$1.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove and replace pipelines, valves, valve boxes and install cathodic monitoring and mitigation facilities and other gas transmission and distribution facilities (hereinafter collectively called "Facilities"), said right-of-way being situated in the County of Cache, State of Utah, as shown on Exhibit "A" attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

Land of the Grantor located in **Section , Township South, Range East, Salt Lake Base and Meridian;**

**[INSERT DESCRIPTION]**

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns, so long the Facilities shall be maintained, with the right of ingress and egress to and from said right-of-way to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove and replace the same. This right-of-way and easement shall carry with it the right to use any available access road(s) for the purpose of conducting the foregoing activities. During temporary periods, Grantee may use such portion of the property along and adjacent to said right-of-way as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities. Grantor shall have the right to use said premises except for the purposes for which this right-of-way and easement is granted to Grantee, provided such use does not interfere with the Facilities or any other rights granted to Grantee hereunder.

Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree as follows:

1. Grantor shall not build or construct, nor permit to be built or constructed, over or across the right-of-way, any building, retaining walls, rock walls, footings or improvement which impairs the maintenance or operation of the Facilities.
2. Grantor shall not change the contour within the right-of-way without prior written consent of Grantee.
3. Grantor shall not plant, or permit to be planted, any deep rooted trees, or any vegetation with roots that may damage the Facilities, within the right-of-way, without prior written consent of Grantee.
4. Grantor shall not place personal property within the right-of-way that impairs the maintenance or operation of the Facilities.
5. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with Grantee's use, occupation or enjoyment of this easement and right-of-way, without liability to Grantor, and without any obligation of restoration or compensation.
6. Grantor agrees to indemnify, hold harmless and defend Grantee, its agents and employees, from all claims, mechanics liens, demands, damages, actions, costs and charges for personal injury and property damage, and any other liabilities, including attorney's fees, arising out of or by any reason of Grantor's use of the easement or any activities conducted thereon by Grantor, his/her/its agents, employees, invitees or as a result of Grantor's negligence.

This right-of-way shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[INSERT ENTITY NAME HERE]

\_\_\_\_\_  
[Secretary], Secretary

By: \_\_\_\_\_  
[President], President

(SEAL)

STATE OF UTAH )  
 ) ss.  
COUNTY OF [COUNTY] )

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ personally appeared before me \_\_\_\_\_, and \_\_\_\_\_ who, being duly sworn, did say that they are the \_\_\_\_\_ and \_\_\_\_\_, respectively, of \_\_\_\_\_, and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors or its Bylaws, and said \_\_\_\_\_ and \_\_\_\_\_ acknowledged to me that said corporation duly executed the same.

\_\_\_\_\_  
Notary Public

**Exhibit C  
(Exclusive Easement)**

PARCEL I.D.#03-067-0021

**EXCLUSIVE RIGHT-OF-WAY AND EASEMENT GRANT**

---

Hyrum City, a political subdivision located in Cache County, Utah, GRANTOR, does hereby convey and warrant to QUESTAR GAS COMPANY dba DOMINION ENERGY UTAH, GRANTEE, its successors and assigns, for the sum of TEN DOLLARS (\$10.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a perpetual exclusive right-of-way and easement (“Exclusive Easement”) to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove and replace above and below ground pipelines, valves, valve boxes, cathodic monitoring and mitigation facilities, and other gas transmission and distribution facilities, including buildings and fencing or any other lawful uses of the Exclusive Easement related to or in connection with Grantee’s business purposes (hereinafter collectively called “Facilities”), said Exclusive Easement being situated in the County of Cache, State of Utah, as shown on Exhibit “A” attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, LOCATED IN CACHE COUNTY, UTAH.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEARING SOUTH 2644.66 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 34, SAID POINT BEING SHOWN ON THE "SURVEY FOR HYRUM CITY OF THE HYRUM CITY, GRAVEL PIT", ON FILE IN CACHE COUNTY RECORDER'S OFFICE AS RECORD OF SURVEY NUMBER 52, FILING 427737, DATED OCTOBER 22, 1979;

THENCE EAST 60 FEET ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER TO THE EASTERLY RIGHT OF WAY LINE OF THE OLD COUNTY ROAD DESIGNATED AS 100 EAST;

THENCE NORTH 15°14'26" ALONG THE SAID EASTERLY RIGHT OF WAY OF 100 EAST LINE A DISTANCE OF 589.64 FEET TO THE POINT OF BEGINNING;

THENCE N 90°00'00" E A DISTANCE OF 115.00 FEET TO THE EAST LINE OF THE SAID HYRUM CITY GRAVEL PIT;

THENCE N 0°00'00" E ALONG THE EAST LINE A DISTANCE OF 128.46 FEET;

THENCE N 0°00'00" W A DISTANCE OF 80.00 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF 100 EAST;

THENCE S 15°14'26" W ALONG THE SAID RIGHT OF WAY LINE A DISTANCE OF 133.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,525 SQUARE FEET, MORE OR LESS

TO HAVE AND TO HOLD the Exclusive Easement unto Grantee, its successor and assigns.

Without limiting the generality of the foregoing, Grantor acknowledges, and covenants as follows:

1. Grantee, in Grantee' sole discretion, may restrict or completely prohibit Grantor, its successors or assigns, or any third-party access to the Exclusive Easement.

2. The Exclusive Easement shall be fenced, gated, and locked as deemed necessary by Grantee, provided Grantee shall comply with any applicable laws, regulations, or ordinances.

3. Grantor represents and warrants that there are no mortgages, deeds of trust, liens, covenants, conditions and restrictions, or other encumbrances covering the Exclusive Easement prior to the execution of this Exclusive Right-of-Way and Easement Grant which have not been subordinated.

4. Grantor acknowledges and agrees that it has no right to, shall not attempt to encumber with, and the Exclusive Easement shall not be subject to, any covenants, conditions and restrictions, liens, mortgages, deeds of trust, or other encumbrances created by Grantor or its successors or assigns after the date of recording of this Exclusive Easement.

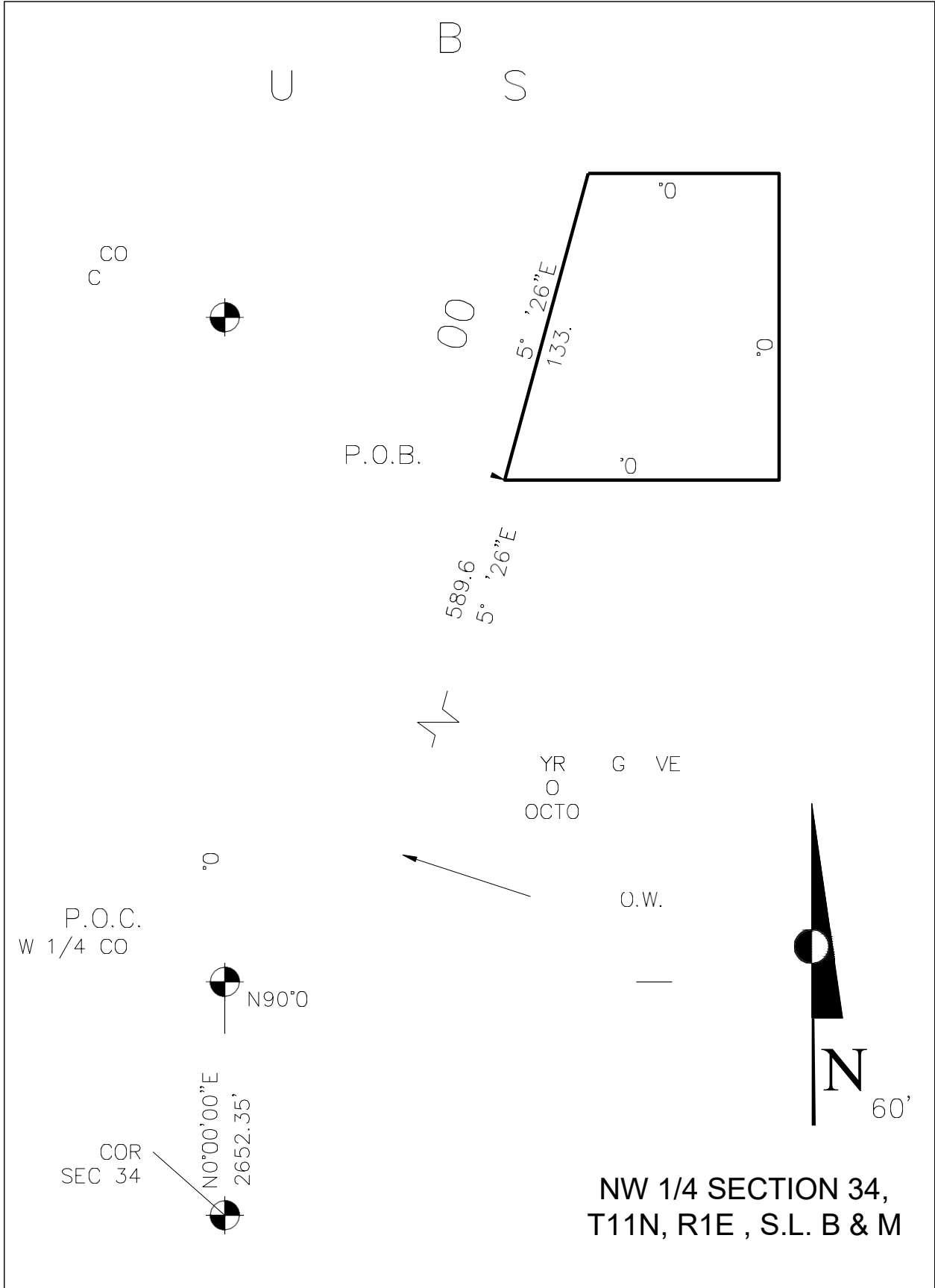
This Exclusive Easement shall run with the land and shall be binding upon and inure to the benefit of the successors, assigns, and transferees, of Grantor and the successors, assigns, and transferees of Grantee, and may be transferred, assigned, pledged, and hypothecated in whole or in part by Grantee.

IN WITNESS WHEREOF, Grantor has executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

GRANTOR:

By: \_\_\_\_\_  
Stephanie Miller – Mayor

Attest: \_\_\_\_\_  
Stephanie Fricke – City Recorder





ORDINANCE 96-14

WHEREAS, a majority of the owners of certain real property, described below, desire to annex such real property to the corporate limits of Hyrum City, Utah; said owners being the owners of at least one-third (1/3) in value of said real property as shown by the latest assessment roll; and

WHEREAS, said real property lies contiguous to the corporate boundaries of Hyrum City; and

WHEREAS, said owners have caused a Petition for Annexation to be filed with the city, together with an accurate plat of the real property which was made under the supervision of a competent, licensed surveyor; and

WHEREAS, the Hyrum City Council accepted the petition for annexation for the purposes of preparing a policy declaration statement; and

WHEREAS, the Hyrum City Council held a public hearing on December 7, 1995 regarding annexation of said property, following which the Council adopted Ordinance 95-11, the Policy Declaration Statement pertaining to this annexation; and

WHEREAS, Ordinance 95-13, the annexation ordinance, failed to gather the two-thirds majority vote required to adopt an annexation ordinance; and

WHEREAS, the Hyrum City Council has now agreed to reconsider annexation of this property.

NOW, THEREFORE, the City Council of Hyrum City, Utah, hereby adopts, passes, and publishes the following:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH.

BE IT ORDAINED, by the City Council of Hyrum City, Cache County, State of Utah, as follows:

SECTION 1. That certain real property, more particularly described in Section 2 below is hereby annexed to Hyrum City, Utah, and the corporate limits of said city are hereby extended accordingly.

SECTION 2. That the real property which is the subject of this Ordinance is described as follows:

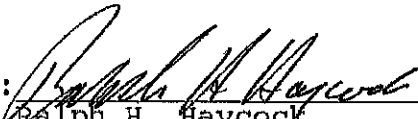
Beginning at a point located north 90°00'00" east 1365.82 feet (1265.88 feet by record) from the Southwest corner of said Section 31 being a Cache County surveyor aluminum cap monument and running along the boundary of a parcel with Tax ID No. 03-056-0013 the following seven courses thence north 1°30' west 597.30 feet more or less; thence south 85°49'21" east 235 feet; thence north 2°19'42" east 150.00 feet; thence south 85°49'21" 208.00 feet; thence north 2°19'42" east 463.72 feet more or less; thence south 88°15' east 660.00 feet more or less; thence south 1°30' west 514.80 feet more or less; thence south 1°15' west 188.1 feet to a point on the north property line of a parcel with Tax ID No. 03-056-0021; thence east along said north line 194.7 feet more or less; thence south 41.2 feet more or less to the Northwest corner of a parcel with Tax ID No. 01-058-0002; thence east 528.9 feet more or less to a point on the east right-of-way line of 1900 West Street; thence south along said north line 778.7 feet more or less to the Southwest corner of said parcel having the Tax ID No. 03-056-0013; thence north 88°34'38" west 1063.41 feet more or less (1138.5 feet by record); thence north 1°30' west 214.5 feet more or less to the point of beginning containing 37.87 acres more or less.

SECTION 3. That the real property described in Section 2 above shall be classified as being in the Residential R-2 zone in accordance with the provisions of Section 17.20.030 of the Hyrum City Municipal Code.

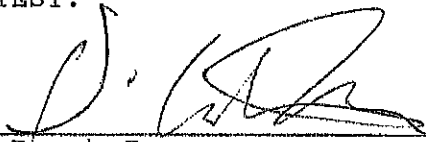
SECTION 4. This ordinance shall be effective upon the posting of three (3) copies in three (3) public places within the corporate limits of Hyrum City.

ADOPTED AND PASSED by a two-thirds (2/3) vote of the Hyrum City Council this 20th day of June, 1996.

HYRUM CITY

BY:   
Ralph H. Haycock  
Mayor

ATTEST:

  
\_\_\_\_\_  
D. Brent Jensen  
City Recorder

Posted: June 25, 1996


CERTIFICATE OF POSTING

STATE OF UTAH )  
 : ss  
COUNTY OF CACHE )

I, Stephanie Fricke, duly appointed and acting Deputy Recorder for Hyrum City, Cache County, State of Utah, do hereby certify that a copy of the foregoing is a true, complete, and correct copy of an Ordinance adopted and passed by the City Council of Hyrum City, Utah, at a regular meeting thereof, held the 20th day of June, 1996, which appears of record in the City Recorder's office. A quorum was present and acting throughout said meeting and this Ordinance is in full force and effect in the form so adopted and has not been subsequently modified, amended or rescinded. I further certify that I, on the 25th day of June, 1996 in Hyrum City, did post the attached Ordinance in a likely manner in each of three public places as follows:

Hyrum Civic Center	83 W. Main	Hyrum, Utah
Hyrum Thriftway	780 E. Main	Hyrum, Utah
First Security Bank	10 W. Main	Hyrum, Utah

In witness whereof, I have hereto set my hand this 26th day of June, 1996.

  
\_\_\_\_\_  
Stephanie Fricke  
Deputy Recorder

(SEAL)

Ordinance 96-14

An Ordinance Annexing Certain Real Property and Extending the Corporate Limits of Hyrum City, Utah.

Resolution 95-11

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION AND AUTHORIZING THE PREPARATION OF A POLICY DECLARATION RELATIVE TO THE PROPOSED ANNEXATION.

WHEREAS, the owners of certain real property have petitioned the governing body of Hyrum City, Cache County, State of Utah that such property be annexed to the corporate boundaries of Hyrum City; and

WHEREAS, the petitioners certify they represent a majority of the owners and at least one-third in value of the real property proposed for annexation; and

WHEREAS, the petitioners further certify that said property proposed for annexation lies contiguous to the present boundaries of Hyrum City; and

WHEREAS, the petitioners have caused an accurate plat of the real property proposed for annexation to be prepared by a qualified surveyor and have filed said plat, together with the annexation petition, with the Hyrum City Recorder; and

WHEREAS, said property proposed for annexation does not lie within the boundaries of another incorporated municipality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum City, Cache County, State of Utah that the annexation petition filed by Brad C. Wood, in behalf of High Valley LLC, et al. and attached hereto as Exhibit A, is hereby accepted for the purpose of preparing a policy declaration relative to the proposed annexation and holding such hearings and taking such other steps as prescribed by law in evaluating the merits of the proposed annexation.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 17th day of August, 1995.

HYRUM CITY CORP.

By: Ralph H. Haycock  
Ralph H. Haycock  
Mayor

ATTEST:  
D. Brent Jensen  
D. Brent Jensen  
City Recorder

## BOUNDARY DESCRIPTION

A PART OF THE NORTH HALF OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 1 EAST, SLB&M AND A PART OF THE SOUTH HALF OF SECTION 31, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M DESCRIBED AS: BEGINNING AT A POINT LOCATED NORTH 90°00'00" EAST 1365.82 FEET (1265.88 FEET BY RECORD) FROM THE SOUTHWEST CORNER OF SAID SECTION 31 BEING A CACHE COUNTY SURVEYOR ALUMINUM CAP MONUMENT AND RUNNING ALONG THE BOUNDARY OF A PARCEL WITH TAX ID NO 03-056-0013 THE FOLLOWING SEVEN COURSES THENCE NORTH 1°30' WEST 597.30 FEET MORE OR LESS; THENCE SOUTH 85°49'21" EAST 235 FEET; THENCE NORTH 2°19'42" EAST 150.00 FEET; THENCE SOUTH 85°49'21" 208.00 FEET; THENCE NORTH 2°19'42" EAST 463.72 FEET MORE OR LESS; THENCE SOUTH 88°15' EAST 660.00 FEET MORE OR LESS; THENCE SOUTH 1°30' WEST 514.80 FEET MORE OR LESS; THENCE SOUTH 01°15' WEST 188.1 FEET TO A POINT ON THE NORTH PROPERTY LINE OF A PARCEL WITH TAX ID NO. 03-056-0021; THENCE EAST ALONG SAID NORTH LINE 194.7 FEET MORE OR LESS; THENCE SOUTH 41.2 FEET MORE OR LESS TO THE NORTHWEST CORNER OF A PARCEL WITH TAX ID NO 01-058-0002; THENCE EAST 528.9 FEET MORE OR LESS TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 1900 WEST STREET; THENCE SOUTH ALONG SAID EAST LINE 585.7 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 101; THENCE WESTERLY ALONG SAID NORTH LINE 778.7 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PARCEL HAVING THE TAX ID NO. 03-056-0013; THENCE NORTH 88°34'38" WEST 1063.41 FEET MORE OR LESS (1138.5 FEET BY RECORD); THENCE NORTH 1°30' WEST 214.5 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 37.87 ACRES MORE OR LESS.





752-3771  
 770-2994  
 4543180 24000  
 84335

ANNEXATION PETITION

TO: THE MAYOR AND COUNCIL MEMBERS OF HYRUM CITY, CACHE COUNTY, STATE OF UTAH

The undersigned real property owners submit to you this petition for annexation and respectfully represent:

1. That this petition is made pursuant to the requirements of Section 10-2-416 Utah Code Annotated, 1953 as amended.
2. That the property subject of this petition lies contiguous with part of the present West boundary of Hyrum City Corporate Limits and is particularly described by metes and bounds as described on Appendix A.
3. That your petitioners represent a majority of the real property owners of the described property on Appendix A and are owners of not less than one-third in value of the real property as shown by the last assessment rolls, of the territory described therein and shown in the plat herewith submitted and Petitioners desire to annex the same to Hyrum City and include the same within the City's corporate limits.
4. That they have caused an accurate plat of the attached description of real property to be made by a competent, licensed surveyor and said plat, certified by said surveyor or engineer, is filed herewith.
5. The territory is not included within the boundaries of another incorporated municipality.

WHEREFORE, your Petitioners pray that this Petition be considered by you at the next regular meeting of the City Council of Hyrum City, or as soon thereafter as possible. And that a resolution be adopted as required by law accepting this Petition of Annexation; and that you take such other annexation and extension of Corporate limits.

Request annexation to be zoned R-2

Dated this 21 day of July, 1995

Respectfully submitted,

<u>High Valley LLC</u>	<u>26.485</u>	<u>\$142,195<sup>00</sup></u>
<u>Ernest R. Furness</u>	No. of Acres	Assessed Value
<u>Ernest A. Furness</u>	<u>3.62</u>	<u>\$139,810<sup>00</sup></u>
<u>Raymond J. Joseph</u>	<u>2.89</u>	<u>\$115,603<sup>00</sup></u>
<u>Donald Laurite</u>	<u>3.17</u>	<u>\$103,990<sup>00</sup></u>
<u>See Page 2</u>	<u>.59</u>	<u>\$15,166<sup>00</sup></u>



ORDINANCE NO. 97-03AN ORDINANCE REVISING ORDINANCE 96-14, AMENDING THE HYRUM CITY ZONING ORDINANCE, RATIFYING THE ANNEXATION OF CERTAIN REAL PROPERTY AND THE EXTENSION OF THE CORPORATE LIMITS OF HYRUM, UTAH, SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, a majority of the owners of certain real property described below, desired to annex such real property to Hyrum, Utah, said owners being the owners of at least one-third (1/3) in value of said real property as shown by the last assessment roll; and

WHEREAS, said real property lies contiguous to the corporate boundaries of Hyrum, Utah; and

WHEREAS, said owners caused a petition to be filed with the City, together with an accurate plat of the real property which was made under the supervision of a competent surveyor; and

WHEREAS, Hyrum City adopted Resolution 95-11, on August 17, 1995, accepting the petition for annexation for the purpose of preparing a Policy Declaration relating to the real property; and a public hearing was subsequently set for December 7, 1995, at the Hyrum City offices, notice thereof having been duly published in The Herald Journal, and having been posted and mailed in accordance with all applicable laws of the State of Utah; and

WHEREAS, said public hearing was held on December 7, 1995, and thereafter, Ordinance 95-11 was adopted, by which Hyrum City adopted the Annexation Policy Declaration related to the specific property described in the referenced petition for annexation; and

WHEREAS, the required time period for protest by an affected entity elapsed without the filing of a written protest by an affected entity; and

WHEREAS, Ordinance 96-14 was adopted on June 20, 1996, by the required two-thirds (2/3) vote of the Hyrum City Council, which Ordinance annexed the real property which is the subject of the referenced Petition and Policy Declaration; and

WHEREAS, High Valley, L.L.C., the owner of the largest parcel within the newly annexed area containing 26.485 acres as shown by the Petition for Annexation, sold said parcel to Mountain Region Development, LLC, (Mountain Region, hereafter) which new owner presented a proposal for development in the form of a sketch plan to the Hyrum City Council on September 19, 1996; and

WHEREAS, during said City Council meeting on September 19, 1996, it became apparent that there were disputes and disagreements

between the Council and Mountain Region over what conditions the City Council had understood were applicable to the development of the real property purchased by Mountain Region; and

WHEREAS, since said meeting, Hyrum City and Mountain Region have negotiated in an effort to resolve the differences that exist between them pertaining to the development of the real property owned by Mountain Region and both Hyrum City and Mountain Region are desirous of formalizing the agreement they have reached, which agreement contains certain terms, provisions and conditions both Hyrum City and Mountain Region agree shall be made applicable to the annexation and development of Mountain Region's parcel of real property; and

WHEREAS, Hyrum City and Mountain Region agree that the best approach for formalizing their agreement in writing is for Hyrum City to adopt an Ordinance revising said Ordinance 96-14, correcting the legal description contained therein and ratifying the annexation which occurred through the adoption of Ordinance 96-14, which revision and ratification shall be specifically subject to certain terms and conditions as are more fully set forth in this ordinance;

NOW, THEREFORE, pursuant to Section 10-2-415, Utah Code Annotated 1953, as amended, the City Council of Hyrum, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED BY THE CITY COUNCIL OF HYRUM, UTAH, AS FOLLOWS:

AN ORDINANCE REVISING ORDINANCE 96-14, AMENDING THE HYRUM CITY ZONING ORDINANCE, RATIFYING THE ANNEXATION OF CERTAIN REAL PROPERTY AND THE EXTENSION OF THE CORPORATE LIMITS OF HYRUM, UTAH, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

1. REVISION OF ORDINANCE 96-14. Ordinance 96-14 is hereby amended and revised to provide as herein stated.

2. ANNEXATION. The annexation of the real property more particularly described in Paragraph 3, below, to Hyrum, Cache County, Utah, and the consequent extension of the corporate limits of Hyrum, Cache County, Utah, are hereby ratified and confirmed, subject to certain express terms, provisions and conditions which are more fully set forth in Paragraph 7, below.

3. LEGAL DESCRIPTIONS. The real property which is the subject of this Ordinance is described as follows:

A part of the North half of Section 6, Township 10 North, Range 1 East, SLB&M and a part of the South half of Section 31, Township 11 North, Range 1 East, SLB&M described as: Beginning at a point located North 90°00'00" East 1365.82 feet (1265.88 feet by record)

from the Southwest corner of said Section 31 being a Cache County surveyor aluminum cap monument and running along the boundary of a parcel with Tax ID No. 03-056-0013 the following seven courses thence North 1°30' West 597.30 feet more or less; thence South 85°49'21" East 235 feet; thence North 2°19'42" East 150.00 feet; thence South 85°49'21" 208.00 feet; thence North 2°19'42" East 463.72 feet more or less; thence South 88°15' East 660.00 feet more or less; thence South 1°30' West 514.80 feet more or less; thence South 01°15' West 188.1 feet to a point on the North property line of a parcel with Tax ID No. 03-056-0021; thence East along said North line 194.7 feet more or less; thence South 41.2 feet more or less to the Northwest Corner of a parcel with Tax ID No. 01-058-0002; thence East 528.9 feet more or less to a point on the East right-of-way line of 1900 West Street; Thence South along said East line 585.7 feet more or less to a point on the North right-of-way line of State Highway 101; thence Westerly along said North Line 778.7 feet more or less to the Southwest Corner of said parcel having the Tax ID No. 03-056-0013; thence North 88°34'38" West 1063.41 feet more or less (1138.5 feet by record); thence North 1°30' West 214.5 feet more or less to the point of beginning. Containing 37.87 acres more or less.

4. ZONING MAP. The zoning map of Hyrum City shall be amended to include the real property described above in Paragraph 3.

5. ZONING. The real property, described in Paragraph 3, above, shall be classified as being in the Residential Zone, R-2, in accordance with the provisions of Section 17.20.030 of the City's Zoning Ordinance and Section 10-9-406 of the Utah Code Annotated, 1953, as amended.

6. COUNTY RECORDER. A certified copy of this Ordinance and an original plat setting forth the property so annexed shall be filed with the County Recorder of Cache County, Utah, by the City Recorder when so directed by the Mayor, unless the filing of a certified copy of this Ordinance is all that is required by the Cache County Recorder.

7. SPECIFIC TERMS, PROVISIONS AND CONDITIONS RELATING TO PARCEL 03-056-0013 NOW OWNED BY MOUNTAIN REGION DEVELOPMENT, LLC. The annexation of the real property described in Paragraph 3 above, is made subject to the following express terms, conditions and provisions which shall relate to the portion of the annexed real property currently owned by Mountain Region Development, LLC, which parcel bears Cache County Tax ID No. 03-056-0013 and consists of approximately 27.41 acres, notice, knowledge and acceptance of which terms, provisions and conditions by the owner of said portion of the annexed real property shall be evidenced by a written agreement executed by said owner and attached hereto as Exhibit "A". These terms, provisions and conditions shall attach to said parcel of the annexed real property, shall become binding thereon and shall be covenants which run with said real property. The terms, provisions and conditions expressed herein and the agreement of the owner attached as Exhibit "A", shall be binding upon and shall inure to the benefit of the parties hereto and to their respective heirs, personal representatives, successors and assigns. The express terms, provisions and conditions are as follows:

A. The legal description for said Parcel No. 03-056-0013 is as follows:

Beginning at a point 19.18 chains West from the Southeast Corner of the Southwest Quarter of Section 31, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence North 1°30' West 9.05 chains; thence South 85°49'21" East 235 feet, more or less; Thence North 02°19'42" East 150 feet; Thence South 85°43'21" East 208 feet; Thence North 02°19'42" East 463.72 feet (North 1°30' East 8 chains by record); Thence South 88°15' East 10 chains; thence South 1°30' West 7.80 Chains; thence South 1°15' West 2.85 chains; thence West 1 chain; thence South 1°15' West 5.75 chains to the Section Line; thence South 88°28' East 16.7 feet, more or less; thence South 2°29' West 246.7 feet to 5000 South (County Road); thence Westerly along said County Road 69 rods, more or less; thence Northerly 13 rods, more or less to the point of beginning.

B. The maximum number of lots to be created and developed on Mountain Region's parcel shall be 48 lots, with one (1) single family detached dwelling per lot. The development shall include a privately maintained park and other green, park-like areas interspersed in the development.

C. It is anticipated that Mountain Region will design and install an underdrain system as a part of the development so as to allow for homes in the development to have basements, if desired. Permission will be obtained from the irrigation ditch or canal owners for drainage from the underdrain system into these structures, if necessary. Permission will also be obtained from the irrigation ditch or canal owners for drainage of the surface or

storm-water into these structures, if necessary. In the event such permission is necessary and cannot be obtained, adequate provision for drainage from the underdrain and storm drainage systems will have to be designed and approved in accordance with applicable laws, ordinances and regulations.

D. A homeowner's association will be created by Mountain Region which will own the park and other green or park-like areas interspersed throughout the development, with the association being made responsible for maintaining these areas and also the drainage systems referred to in the last subparagraph to the extent the elements of such systems are located on private property and not within dedicated streets or roads. Hyrum City will not accept any dedication to it of the park and other green or park-like areas or any elements of the referenced drainage systems which are located on private property. Hyrum City will accept the dedication of those portions of the referenced drainage systems customarily designed for and constructed in publicly dedicated streets or roads, including the underdrain system. The Articles or Bylaws of the Homeowner's Association will be written so as to specifically outline the obligations and responsibilities to be undertaken by Hyrum City and Mountain Region.

E. Sidewalks shall be installed throughout the Subdivision, but curb and gutter will not be required. Drainage swales will be placed between the sidewalks and the edge of the public roadways. Each lot owner shall be required by the recorded Association Bylaws or Covenants relating to the development to maintain the portion of the swale area immediately in front of the lot owned by each lot owner. The Association shall be specifically required to ensure that the lot owners landscape and otherwise maintain the swale areas, or the Association shall undertake the landscaping and maintenance of the swale areas itself and shall have a mechanism in place for charging the cost back to the lot owners. The City will be given the option, within its discretion, to enforce the provisions of the covenants and/or Association Bylaws relating to landscaping and maintenance of the swale, park and other green areas, in the event the lot owners and/or the Association should fail to do so. It is agreed that any damage to the swale areas resulting from snow plows clearing the roadways in the usual manner will not be chargeable to the City, but rather shall be repaired by the Association and/or lot owners.

F. Mountain Region will require that a cement edge be designed and constructed along the edge of the roadway blacktop in the cul-de-sacs of the development to protect the edge of the asphalt in these areas.

G. Inasmuch as curb and gutter will not be required along the edge of the remaining portion of the roadways, the roadbase, where a cement edge is not required, shall be required to extend past the edge of the finished asphalt and compaction will be required to a 95% rate and in the manner designed by the engineer

of the development, so as to reduce the likelihood of breakage along the edge of the finished asphalt.

H. Specific statements shall be included in the recorded Covenants and/or Bylaws of the Association and on the final plat for the development encouraging all prospective lot purchasers to become familiar with the area in which the lots are located, including odors, noises, land uses and activities in the region. Specific land uses to be identified shall include a wastewater treatment plant, a feed yard, a diesel mechanic's shop and dairies.

I. Hyrum City strongly recommends the use of the City's secondary water system throughout the development, but it is recognized that the City will not require such use by Mountain Region. The City's recommendation is based on its opinion that the availability of the secondary system will enhance the value of the lots within the development and that it would be best to install the system now together with the installation of all other public utilities and that the residents of the development will have to pay more for its installation at a later date, if then desired.

J. Mountain Region agrees to provide Hyrum City with copies of the Covenants and/or Bylaws related to the development for the City's review prior to recording them. The Covenants and/or Bylaws are to be written so as to conform with requirements of this Ordinance, applicable City regulations and other ordinances and state and federal law. It is anticipated that these documents will contain provisions as to the types of homes allowed, whether or not garages will be required, and other provisions relating to the construction of the homes on the lots and the uses of the lots, consistent with laws which prohibit discrimination against manufactured housing otherwise meeting zoning and subdivision requirements applicable to single family residences generally.

K. Access to the adjacent state highway (101) will be limited to two (2) road cuts, with no lots facing the highway, meaning it is contemplated that all lots along the highway will have the back of the lot adjacent to the highway and not the front of the lot. All proposed improvements along the highway, including access structures and otherwise, are expressly subject to approval by the Utah Department of Transportation.

L. Except as specifically provided in this Ordinance, Mountain Region shall comply with all applicable City Ordinances regarding manufactured housing, subdivision approval, payment of fees, security for improvements to be constructed and all other applicable laws, ordinances, regulations, policies, procedures and development standards.

M. The execution of Exhibit "A" by Mountain Region and Henry R. Crane is a condition precedent to the posting of this Ordinance in order to make it effective. No permits or approvals will be

granted and no services provided, unless Mountain Region is in compliance with the terms of this paragraph 7 of this Ordinance.

N. Upon enactment of this Ordinance, Mountain Region Development, LLC and Henry R. Crane, for and on behalf of themselves and their agents, employees, indemnitors, insurers, heirs, personal representatives, successors and assigns shall release and forever discharge Hyrum City, together with its officials, employees, agents, indemnitors, insurers, successors, and assigns, from any and all claims, demands, liabilities, damages, causes of action, costs and expenses, including attorney's fees, which may now exist or hereafter arise because of, arising out of, or in any way connected with the annexation of the real property referred to in this Ordinance and Ordinance 96-14 and now owned by Mountain Region and the historical application and development approval process for the proposed High Valley Subdivision, or any of its predecessors proposed for the property owned by Mountain Region and which is a part of the annexation ratified by this Ordinance. The foregoing enumeration of claims released is illustrative only, and the claims hereby released are in no way limited to the above specific recitation of claims, it being the intent of the parties to fully and completely release Hyrum City from any and all claims in any way related to said annexation and Mountain Region's proposed development.

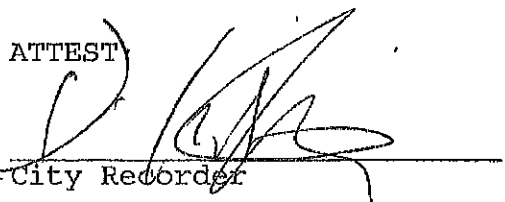
8. A road or easement is located to the West of the annexed area and apparently provides access to State Road 101 for Parcels 03-056-0012 and 03-056-0024. Hyrum City considers this road or easement to be private and expressly disclaims any intent to annex it or to provide any maintenance or snow removal services for said private road. Hyrum City will not undertake any responsibility for said road.

9. This Ordinance shall become effective upon its first posting in three (3) public places within the City.

ADOPTED AND PASSED by the City Council of the City of Hyrum, Utah, this 6th day of February, 1997.

HYRUM CITY

ATTEST

  
City Recorder

By

  
Mayor

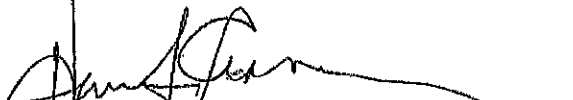
POSTED: March 13, 1997

EXHIBIT "A"

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned are the owner and the majority interest holder in the owner of that portion of the real property described in Paragraph 3 of the attached Ordinance No. 97-03, An Ordinance Revising Ordinance 96-14, Amending The Hyrum City Zoning Ordinance, Ratifying The Annexation Of Certain Real Property And The Extension Of The Corporate Limits Of Hyrum, Utah, Subject To Certain Terms and Conditions, bearing Cache County Tax Payer ID No. 03-056-0013 consisting of approximately 27.41 acres. Said parcel is more particularly described in Paragraph 7.A. of Ordinance No. 97-03. By the execution of this Exhibit "A", the undersigned acknowledge that they have read said Ordinance 97-03, that they understand the contents thereof and, in particular, the contents of the terms, provisions and conditions to which said Ordinance is subject, as contained in Paragraph 7, including Subparagraphs "A-N", and specifically hereby agree to be bound by and to comply with said terms, provisions and conditions.

DATED this 17<sup>th</sup> day of February, 1997.

  
Henry R. Crane, individually

MOUNTAIN REGION DEVELOPMENT, LLC

By   
Henry R. Crane  
Manager/Member

STATE OF New Mexico )  
County of Burm. ) : ss.

On the 17 day of February, 1997, personally appeared before me HENRY R. CRANE, one of the signers of the within instrument, who duly acknowledged to me that he executed the same.

  
NOTARY PUBLIC

Commission Expires: 6/4/2000  
Residing at: Albuquerque, New Mexico

b1j/hyrum/annex.ord  
N-63,43





CERTIFICATION

STATE OF UTAH        )  
                                  :    ss.  
County of Cache    )

I, D. Brent Jensen, the City Recorder of Hyrum, Cache County, Utah, do hereby certify that the above and forgoing is a true, full and correct copy of an ordinance entitled Ordinance No. 97-03, AN ORDINANCE REVISING ORDINANCE 96-14, AMENDING THE HYRUM CITY ZONING ORDINANCE, RATIFYING THE ANNEXATION OF CERTAIN REAL PROPERTY AND THE EXTENSION OF THE CORPORATE LIMITS OF HYRUM, UTAH, SUBJECT TO CERTAIN TERMS AND CONDITIONS, adopted and passed by the City Council of Hyrum, Cache County, Utah, at a regular meeting thereof on the 6th day of February, 1997, which appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city this 13<sup>th</sup> day of March, 1997.

  
\_\_\_\_\_  
D. Brent Jensen  
Hyrum City Recorder

blj/hyrum/bjensen.cer  
N-63.43   jlh

ORDINANCE 96-14

WHEREAS, a majority of the owners of certain real property, described below, desire to annex such real property to the corporate limits of Hyrum City, Utah; said owners being the owners of at least one-third (1/3) in value of said real property as shown by the latest assessment roll; and

WHEREAS, said real property lies contiguous to the corporate boundaries of Hyrum City; and

WHEREAS, said owners have caused a Petition for Annexation to be filed with the city, together with an accurate plat of the real property which was made under the supervision of a competent, licensed surveyor; and

WHEREAS, the Hyrum City Council accepted the petition for annexation for the purposes of preparing a policy declaration statement; and

WHEREAS, the Hyrum City Council held a public hearing on December 7, 1995 regarding annexation of said property, following which the Council adopted Ordinance 95-11, the Policy Declaration Statement pertaining to this annexation; and

WHEREAS, Ordinance 95-13, the annexation ordinance, failed to gather the two-thirds majority vote required to adopt an annexation ordinance; and

WHEREAS, the Hyrum City Council has now agreed to reconsider annexation of this property.

NOW, THEREFORE, the City Council of Hyrum City, Utah, hereby adopts, passes, and publishes the following:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH.

BE IT ORDAINED, by the City Council of Hyrum City, Cache County, State of Utah, as follows:

SECTION 1. That certain real property, more particularly described in Section 2 below is hereby annexed to Hyrum City, Utah, and the corporate limits of said city are hereby extended accordingly.

SECTION 2. That the real property which is the subject of this Ordinance is described as follows:

Beginning at a point located north  $90^{\circ}00'00''$  east 1365.82 feet (1265.88 feet by record) from the Southwest corner of said Section 31 being a Cache County surveyor aluminum cap monument and running along the boundary of a parcel with Tax ID No. 03-056-0013 the following seven courses thence north  $1^{\circ}30'$  west 597.30 feet more or less; thence south  $85^{\circ}49'21''$  east 235 feet; thence north  $2^{\circ}19'42''$  east 150.00 feet; thence south  $85^{\circ}49'21''$  208.00 feet; thence north  $2^{\circ}19'42''$  east 463.72 feet more or less; thence south  $88^{\circ}15'$  east 660.00 feet more or less; thence south  $1^{\circ}30'$  west 514.80 feet more or less; thence south  $1^{\circ}15'$  west 188.1 feet to a point on the north property line of a parcel with Tax ID No. 03-056-0021; thence east along said north line 194.7 feet more or less; thence south 41.2 feet more or less to the Northwest corner of a parcel with Tax ID No. 01-058-0002; thence east 528.9 feet more or less to a point on the east right-of-way line of 1900 West Street; thence south along said north line 778.7 feet more or less to the Southwest corner of said parcel having the Tax ID No. 03-056-0013; thence north  $88^{\circ}34'38''$  west 1063.41 feet more or less (1138.5 feet by record); thence north  $1^{\circ}30'$  west 214.5 feet more or less to the point of beginning containing 37.87 acres more or less.

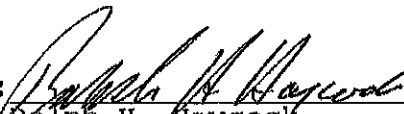
SECTION 3. That the real property described in Section 2 above shall be classified as being in the Residential R-2 zone in accordance with the provisions of Section 17.20.030 of the Hyrum City Municipal Code.

SECTION 4. This ordinance shall be effective upon the posting of three (3) copies in three (3) public places within the corporate limits of Hyrum City.

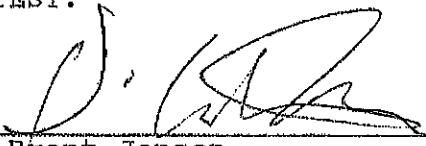
ADOPTED AND PASSED by a two-thirds (2/3) vote of the Hyrum City Council this 20th day of June, 1996.

HYRUM CITY

BY:

  
Ralph H. Haycock  
Mayor

ATTEST:

  
\_\_\_\_\_  
D. Brent Jensen  
City Recorder

Posted: June 25, 1996

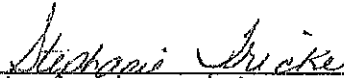
CERTIFICATE OF POSTING

STATE OF UTAH )  
 : ss  
COUNTY OF CACHE )

I, Stephanie Fricke, duly appointed and acting Deputy Recorder for Hyrum City, Cache County, State of Utah, do hereby certify that a copy of the foregoing is a true, complete, and correct copy of an Ordinance adopted and passed by the City Council of Hyrum City, Utah, at a regular meeting thereof, held the 20th day of June, 1996, which appears of record in the City Recorder's office. A quorum was present and acting throughout said meeting and this Ordinance is in full force and effect in the form so adopted and has not been subsequently modified, amended or rescinded. I further certify that I, on the 25th day of June, 1996 in Hyrum City, did post the attached Ordinance in a likely manner in each of three public places as follows:

Hyrum Civic Center	83 W. Main	Hyrum, Utah
Hyrum Thriftway	780 E. Main	Hyrum, Utah
First Security Bank	10 W. Main	Hyrum, Utah

In witness whereof, I have hereto set my hand this 26th day of June, 1996.

  
\_\_\_\_\_  
Stephanie Fricke  
Deputy Recorder

(SEAL)

Ordinance 96-14

· An Ordinance Annexing Certain Real Property and Extending the Corporate Limits of Hyrum City, Utah.

Resolution 95-11

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION AND AUTHORIZING THE PREPARATION OF A POLICY DECLARATION RELATIVE TO THE PROPOSED ANNEXATION.

WHEREAS, the owners of certain real property have petitioned the governing body of Hyrum City, Cache County, State of Utah that such property be annexed to the corporate boundaries of Hyrum City; and

WHEREAS, the petitioners certify they represent a majority of the owners and at least one-third in value of the real property proposed for annexation; and

WHEREAS, the petitioners further certify that said property proposed for annexation lies contiguous to the present boundaries of Hyrum City; and

WHEREAS, the petitioners have caused an accurate plat of the real property proposed for annexation to be prepared by a qualified surveyor and have filed said plat, together with the annexation petition, with the Hyrum City Recorder; and

WHEREAS, said property proposed for annexation does not lie within the boundaries of another incorporated municipality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum City, Cache County, State of Utah that the annexation petition filed by Brad C. Wood, in behalf of High Valley LLC, et al. and attached hereto as Exhibit A, is hereby accepted for the purpose of preparing a policy declaration relative to the proposed annexation and holding such hearings and taking such other steps as prescribed by law in evaluating the merits of the proposed annexation.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 17th day of August, 1995.

HYRUM CITY CORP.

By: Ralph H. Haycock  
Ralph H. Haycock  
Mayor

ATTEST:  
D. Brent Jensen  
D. Brent Jensen  
City Recorder

## BOUNDARY DESCRIPTION

A PART OF THE NORTH HALF OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 1 EAST, SLB&M AND A PART OF THE SOUTH HALF OF SECTION 31, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M DESCRIBED AS: BEGINNING AT A POINT LOCATED NORTH 90°00'00" EAST 1365.82 FEET (1265.88 FEET BY RECORD) FROM THE SOUTHWEST CORNER OF SAID SECTION 31 BEING A CACHE COUNTY SURVEYOR ALUMINUM CAP MONUMENT AND RUNNING ALONG THE BOUNDARY OF A PARCEL WITH TAX ID NO 03--056--0013 THE FOLLOWING SEVEN COURSES THENCE NORTH 1°30' WEST 597.30 FEET MORE OR LESS; THENCE SOUTH 85°49'21" EAST 235 FEET; THENCE NORTH 2°19'42" EAST 150.00 FEET; THENCE SOUTH 85°49'21" 208.00 FEET; THENCE NORTH 2°19'42" EAST 463.72 FEET MORE OR LESS; THENCE SOUTH 88°15' EAST 660.00 FEET MORE OR LESS; THENCE SOUTH 1°30' WEST 514.80 FEET MORE OR LESS; THENCE SOUTH 01°15' WEST 188.1 FEET TO A POINT ON THE NORTH PROPERTY LINE OF A PARCEL WITH TAX ID NO. 03--056--0021; THENCE EAST ALONG SAID NORTH LINE 194.7 FEET MORE OR LESS; THENCE SOUTH 41.2 FEET MORE OR LESS TO THE NORTHWEST CORNER OF A PARCEL WITH TAX ID NO 01--058--0002; THENCE EAST 528.9 FEET MORE OR LESS TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 1900 WEST STREET; THENCE SOUTH ALONG SAID EAST LINE 585.7 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 101; THENCE WESTERLY ALONG SAID NORTH LINE 778.7 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PARCEL HAVING THE TAX ID NO. 03--056--0013; THENCE NORTH 88°34'38" WEST 1063.41 FEET MORE OR LESS (1138.5 FEET BY RECORD); THENCE NORTH 1°30' WEST 214.5 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 37.87 ACRES MORE OR LESS.







15th WOOD 4545140 240000  
 752-3771 A uson lll 84335  
 770-2994

ANNEXATION PETITION

To: THE MAYOR AND COUNCIL MEMBERS OF HYRUM CITY, CACHE COUNTY, STATE OF UTAH

The undersigned real property owners submit to you this petition for annexation and respectfully represent:

1. That this petition is made pursuant to the requirements of Section 10-2-416 Utah Code Annotated, 1953 as amended.

2. That the property subject of this petition lies contiguous with part of the present West boundary of Hyrum City Corporate Limits and is particularly described by metes and bounds as described on Appendix A.

3. That your petitioners represent a majority of the real property owners of the described property on Appendix A and are owners of not less than one-third in value of the real property as shown by the last assessment rolls, of the territory described therein and shown in the plat herewith submitted and Petitioners desire to annex the same to Hyrum City and include the same within the City's corporate limits.

4. That they have caused an accurate plat of the attached description of real property to be made by a competent, licensed surveyor and said plat, certified by said surveyor or engineer, is filed herewith.

5. The territory is not included within the boundaries of another incorporated municipality.

WHEREFORE, your Petitioners pray that this Petition be considered by you at the next regular meeting of the City Council of Hyrum City, or as soon thereafter as possible. And that a resolution be adopted as required by law accepting this Petition of Annexation; and that you take such other annexation and extension of Corporate limits.

Request annexation to be zoned R-2

Dated this 21 day of July, 1995

Respectfully submitted,

<u>High Valley UC</u>	<u>26.485</u>	<u>\$42,195<sup>00</sup></u>
<u>Erma A. Furness</u>	No. of Acres	Assessed Value
<u>Erma A. Furness</u>	<u>3.62</u>	<u>\$139,810<sup>00</sup></u>
<u>Raymond J. Joseph</u>	<u>2.89</u>	<u>\$115,603<sup>00</sup></u>
<u>Donald L. Smith</u>	<u>3.17</u>	<u>\$103,990<sup>00</sup></u>
<u>See Page 2</u>	<u>59</u>	<u>\$15,166<sup>00</sup></u>

COUNCIL MEETING CONT.                      FEBRUARY 6, 1997                      PAGE 154

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 6, 1997, AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 7:30 P.M.

CONDUCTING: Mayor Ralph H. Haycock

ROLL CALL: Councilmembers Bruce O. James, J. Dennis Leishman, Bonnie F. Nielsen, and Gordon M. Olson present. Councilmember Larry G. Gittins arrived at 8:15 p.m.

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

OTHERS PRESENT: PWD Derle Nielsen, Zoning Administrator Tom LaBau, and about 30 citizens. Secretary Garnett James recorded the minutes.

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

PLEDGE OF ALLEGIANCE: Shanie Wilson led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Mayor Ralph H. Haycock

MINUTES: The minutes of January 16, 1997 were amended as follows:

Mayor Haycock recommended on page 124, Paragraph 2, change "Mayor

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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Haycock asked for a question on the motion" to "Councilmember Olson asked for a question on the motion".

Councilmember Nielsen recommended on page 118, Paragraph 9, to quote her exact words.

Councilmember James made a motion to adopt the minutes of January 16, 1997 as amended. Councilmember Olson seconded the motion and all four councilmembers present voted aye.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was FAXED to The Herald Journal, and mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

Councilmember Nielsen made a motion, which Councilmember James seconded, to adopt the agenda as written. All four councilmembers present voted aye.

## AGENDA

### PUBLIC HEARING:

A. Annexation of property owned by High Valley, LLC, and others at 300 North 1900 West.

### SCHEDULED DELEGATIONS:

A. Cache County Sheriff Sid Groll - To discuss Hyrum City's law enforcement contract.

### INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

A. Ordinance 97-01 - An ordinance amending sections 16.04.080, et

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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- al. of Title 16 of the Hyrum City Municipal Code.
- B. Ordinance 97-02 - An ordinance amending section 17.04.040, et al. of Title 17 of the Hyrum City Municipal Code.
- C. Ordinance 97-03 - An ordinance ratifying and amending Ordinance 96-14, which annexes the real property owned by High Valley, LLC, and others at 300 North 1900 West, subject to certain conditions.
- D. Ordinance 97-04 - An ordinance setting assessment fees for Special Improvement District #1.

## OTHER BUSINESS:

- A. Appointments to Power Board.
- B. Appointment to Board of Adjustment.
- C. Review procedures for renewing Business Licenses and Conditional Use Permits.
- D. Wapiti Bluff Estates U.D.O.T. agreement.
- E. Renovation of Fire Station.
- F. City Administrator position.
- G. Approval of invoices and disbursements.
- H. Sewer extension on 400 South.

## ADJOURNMENT

## PUBLIC HEARING:

ANNEXATION OF PROPERTY OWNED BY HIGH VALLEY, LLC, AND OTHERS AT 300 NORTH 1900 WEST.

City Attorney Bruce Jorgensen reviewed the conditions for annexation stated in Ordinance 97-03. These conditions were decided by negotiations between U.D.O.T. and High Valley, LLC. Ordinance 97-03 amends

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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*Ordinance 96-14 that was adopted in June 1996.*

*Attorney Jorgensen said one of the conditions is there will not be any houses facing the highway.*

*Tom LaBau said he was concerned about the backyards facing the highway because back yards are not usually as well taken care of as front yards.*

*Kim Riding said he would like sidewalks along the highway for safety reasons. He said if the backyards face the highway then sidewalks will probably not be constructed*

*Councilmember Nielsen said UDOT requires sidewalks.*

*Ann Morrison said she is concerned about the entrances to the development and how that will affect their use of a lane to their house. She said there was no consideration at all for the people already living there.*

*Tim Brown said the road is a Cache County road and Cache County has a 30 foot right-of-way on each side.*

*Attorney Jorgensen said the road is not a deeded road. It has been established by use and when it is established by use it is the width it is established with.*

*Kim Riding said it would be nice if there was one access and the subdivision made a nice road. He said he would like the conditions to apply to the whole annexation not just the property owned by High Valley. He said High Valley may decide to develop more property at a later date and if they did,*

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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they should follow the same conditions.

Attorney Jorgensen said he would propose that the Council deal with that on a one by one situation.

Henry Crane, from High Valley, LLC, said they don't anticipate being interested in developing any more. There are only ten acres left and there are five homes on that ten acres.

Kent Morrison asked about the irrigation ditches.

Attorney Jorgensen said the ditches cannot be closed. They will put pipes in or leave them open.

Kent Morrison asked about the overlap on property. New surveying methods show a discrepancy on property lines.

Attorney Jorgensen said that is a dispute between individuals and has nothing to do with the City. The annexation was based on the survey that was submitted and the City cannot get involved with property-line decisions.

Kim Riding said he is concerned about drainage. If it is not taken care of properly it could create a real safety hazard for children.

Attorney Jorgensen said the City has subdivision ordinances and they have to be followed.

Kim Riding asked the City Council to consider some of the requests that had

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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been made before the ordinance is approved.

Henry Crane said Kim Riding is a neighbor to the property and he had been against the development all along. He said Mr. Riding is not a City resident and asked if the City should listen to his concerns.

Kent Morrison said when the property was annexed they were led to believe property was all that was being annexed and the zoning, plat development, and subdivision would be addressed at another time. Kent said, "It appears to me from what Bruce said earlier you have been in closed session, you have negotiated some kind of an agreement to fix something that wasn't right to begin with." He said, "It really appears to me that the Council is taking an easy way out, instead of doing what's right, they are doing what is going to maybe keep their butts out of a law suit."

Bruce Jorgensen said the approach that has been taken is a correct approach and if the council feels so inclined it is a decent approach.

Darlene Brown said the City sent a survey around a few years ago asking for input from the citizens. Most of the people surveyed wanted Hyrum to remain a country setting. She said citizens' opinions seem to be ignored when a developer comes in.

Bob Clines said he bought his house because he was impressed with the rural area. He said the subdivision will lower the value of his house. He said with all the new homes coming into Hyrum there will be more crime.

Leon Savage said there are four ditches cutting across the subdivision property that will have to be maintained.



COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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Mr. Crane said High Valley will do everything they can to keep the irrigation ditches. He said they have a legal obligation.

Attorney Jorgensen said High Valley has to respect the rights of the water owners and the ditch owners.

Councilmember James said he knows there are times when the Council is perceived as people who don't listen and don't care. There are times that the community expects more than the Council can give. The laws have to be followed and things cannot be included in City ordinances that interfere with the law. The Council cannot break the law to satisfy the citizens. He said, "We can't make laws to break laws."

Marlene Lindley said she and her husband are neighbors with the Morrisons and the Ridings and she appreciated the comments they made. She said she thinks their comments are good comments for Hyrum City.

The public hearing was closed at 8:27 p.m..

#### SCHEDULED DELEGATIONS:

#### CACHE COUNTY SHERIFF SID GROLL - TO DISCUSS HYRUM CITY'S LAW ENFORCEMENT CONTRACT.

Lieutenant Lynn Nielsen, representing the Cache County Sheriff's Office, discussed Hyrum City's law enforcement contract.

Lynn gave the year end report. He said incidents in the County have increased from 4,137 in 1993 to 6,141 in 1996. Incidents in Hyrum

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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increased from 1,100 in 1995 to 1,334 in 1996.

There are 83,000 people in the county now. An increase in population usually increases crime.

There were 15 deputies in 1979 and they have only increased by three since that time.

There are three deputies assigned to the schools in the valley. There were 202 incidents with 128 arrests at the schools in 1996.

Lynn said all police forces in the area have joined together to try to control gangs.

Lynn said the hours contracted by Hyrum City are right in line. It is now mid-year and one-half of the hours have been used.

Bob Clines asked how the statistics for Hyrum City compare to those of the other cities in the County.

Mayor Haycock said he likes to compare Hyrum with Smithfield because they are the about the same size and Hyrum City is about the same as Smithfield as far as incidents.

Councilmember Olson said the incidents have consistently gone up but the citations have gone down.

Lynn said the deputies are spending more time on follow up and

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investigating incidents so therefore they don't have as much time to patrol.

INTRODUCTION AND ADOPTION OF RESOLUTIONS:

ORDINANCE 97-01 - AN ORDINANCE AMENDING SECTIONS 16.04.080, ET AL. OF TITLE 16 OF THE HYRUM CITY MUNICIPAL CODE.

Councilmember Nielsen asked if the ordinance says all lots in a mini-subdivision have to have curb and gutter.

Councilmember James said it states that curb and gutter "may" be required.

Councilmember Nielsen said the previous ordinance had stated "shall".

Councilmember James made a motion to approve Ordinance 97-01, an ordinance amending sections 16.04.080, et al. of Title 16 of the Hyrum City Municipal Code. Councilmember Olson seconded the motion and all five councilmembers voted aye.

Ordinance 97-01 was marked Exhibit A and made part of the minutes by reference.

ORDINANCE 97-02 - AN ORDINANCE AMENDING SECTION 17.04.040, ET AL. OF TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE.

Councilmember Gittins said on page 5 it says "insert chart" but there is not a chart inserted. He said he didn't want to approve it without the chart.

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Zoning Administrator LaBau said it refers to putting R-2D back on the use chart. The purpose of the changes are to make the chapter and the use chart compatible.

Councilmember James made a motion to table Ordinance 97-02, an ordinance amending section 17.040.040, et al. of Title 17 of the Hyrum City Municipal Code until it is presented in the complete form. Councilmember Nielsen seconded the motion and all five councilmembers voted aye.

ORDINANCE 97-03 - AN ORDINANCE RATIFYING AND AMENDING ORDINANCE 96-14, WHICH ANNEXES THE REAL PROPERTY OWNED BY HIGH VALLEY, LLC, AND OTHERS AT 300 NORTH 1900 WEST, SUBJECT TO CERTAIN CONDITIONS.

Bruce Jorgensen said it has occurred that there is some historic drainage on the property. He would not like to impose on High Valley the necessity to have to get permission on the historic drainage. He would like to make a change to the document under Sub-paragraph B, Page 4, Sentence 2 and 4, by adding "if necessary" at the end of the sentence and in the last sentence adding "is necessary and" after the word "permission".

Councilmember Nielsen said she would be concerned about how "necessary" is defined.

Bruce Jorgensen said the city should not be in the position to enforce the irrigation company's rules. He said if they need to get permission they will get it but if they don't need to get it then they won't have to. The way it

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read before they would always be required to get permission.

Derle Nielsen said High Valley should be talking to the irrigation companies.

Councilmember James made a motion to approve Ordinance 97-03, an ordinance ratifying and amending Ordinance 96-14, which annexes the real property owned by High Valley, LLC, and others at 300 North 1900 West, subject to certain conditions and with the following changes recommended by Attorney Bruce Jorgensen: On page 4, Sub-paragraph B, Sentence 2 and 4, add "if necessary" at the end of the sentence and in the last sentence add "is necessary and" after the word "permission". Councilmember Olson seconded the motion and Councilmembers James, Leishman, Nielsen, and Olson voted aye. Councilmember Gittins voted nay.

Ordinance 97-03 was marked Exhibit B and made part of the minutes by reference.

ORDINANCE 97-04 - AN ORDINANCE SETTING ASSESSMENT FEES FOR SPECIAL IMPROVEMENT DISTRICT #1.

Mayor Haycock said he understands the people in this district are very satisfied with this ordinance.

Councilmember Nielsen made a motion to approve Ordinance 97-04, an ordinance setting assessment fees for Special Improvement District #1. Councilmember Leishman seconded the motion and all five councilmembers voted aye.

Ordinance 97-04 was marked Exhibit C and made part of the minutes by

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reference.

OTHER BUSINESS:

APPOINTMENTS TO POWER BOARD.

Mayor Haycock said he had talked to Gary Clawson, Reece Nielsen, Douglas Stipes and Terry Miller and they were all willing to serve on the Power Board.

Councilmember James made a motion to appoint Gary Clawson for a one year term, Reece Nielsen for a two year term,, Douglas Stipes for a three year term, Terry Miller for a four year term, and Ralph Haycock for a five year term on the Power Board.

Councilmember Olson said it is his understanding that Mayor Haycock serves for five years even if he is no longer mayor and the mayor or a councilmember would be added to the board.

Councilmember Nielsen said, "I don't have the power board ordinance in front of me right now but I thought that the mayor or the city councilmember served during their term of office."

Mayor Haycock said he had read the ordinance very carefully.

Councilmember Nielsen said, "So, you are saying if you are mayor or not you are still on for a five year term."

Mayor Haycock said that is correct.

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Councilmember Olson seconded the motion and all five councilmembers voted aye.

#### APPOINTMENT TO BOARD OF ADJUSTMENT

Councilmember Gittins said Kelly Johnson had been an alternate for the Board of Adjustments and he had agreed to be a full time member.

Councilmember Gittins made a motion to appoint Kelly Johnson to the Board of Adjustments. Councilmember Leishman seconded the motion and all five councilmembers voted aye.

#### REVIEW PROCEDURES FOR RENEWING BUSINESS LICENSES AND CONDITIONAL USE PERMITS.

Councilmember Gittins asked what process the City has to review business licenses and conditional use permits.

Councilmember Nielsen said the ordinance requires a review of conditional use permits every two years.

Mayor Haycock suggested having conditional use permit holders resubmit every two years. That way they would be reviewed and statistics could be provided.

Councilmember James asked if there was a circumstance where the city did not review a conditional use permit and it grew, then what happens when you discover they have been operating incorrectly for several years.

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Bruce Jorgensen said the City has the prerogative to revoke a conditional use permit. He suggested setting up a schedule so conditional use permits are reviewed every two years. They could be spread throughout the whole year. He said the Planning Commission is the one that should oversee conditional use permits because they approve them.

Tom LaBau said the current conditional use permit applications do not list the conditions. He is in the process of preparing a form that would list the conditions. The only way to know the conditions of previous conditional use permits and who has conditional use permits is to go back through all the minutes of the Planning Commission.

#### WAPITI BLUFF ESTATES U.D.O.T. AGREEMENT.

Councilmember Nielsen said Stephanie Fricke has been appointed as the coordinator between UDOT and Hyrum City.

Councilmember Nielsen said Wapiti Bluff Estates and U.D.O.T. have made an agreement on the highway access of Wapiti Bluff Estates.

#### RENOVATION OF FIRE STATION.

Councilmember Leishman said the City budgeted to do some renovation of the fire station. He said the fire department needs a facility for protection from contamination. There are four areas needed: disinfecting, cleaning, storage, and personal area. The plan is to make these additions in the southeast corner of the current fire building. It would require 12 to 14 feet.



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Councilmember James said if the City is going to do it, then it ought to be done right.

Councilmember Leishman said there needs to be individual compartments for each area. He reviewed what is needed in each area.

Councilmember James said there needs to be a place found for the water department's supplies.

PWD Derle Nielsen said that the City is going to grow so it might as well be done right and allow for growth.

Councilmember Nielsen made a motion to proceed to determine the needs and visit North Logan's and Lewiston's fire station and come back with specific plans for what is required and the space and all those details. Councilmember Olson seconded the motion.

Councilmember James said if it is necessary to move the water department then he would like that part of the motion.

Mayor Haycock said there is no question that Derle's operation needs to be down to the new building.

Mayor Haycock called for a vote on the motion.

Councilmembers Gittins, Leishman, Nielsen and Olson voted aye. Councilmember James voted nay.

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CITY ADMINISTRATOR POSITION.

Councilmember Olson said the Council really needs to move forward on the City Administrator position. He said he thinks it ought to be an administrative appointment, not an ordinance.

Councilmember Olson made a motion to move forward in an expedient manner to create the position of City Administrator appointed by the mayor and approved by the Council, not a position created by ordinance. Councilmember James seconded the motion and all five councilmembers voted aye.

APPROVAL OF INVOICES AND DISBURSEMENTS.

Councilmember James said on #20220 the amount would be \$100 instead of \$125 if it is paid by February 11, 1997.

Councilmember Gittins asked what #20211 was for.

PWD Nielsen said it was for power poles.

Councilmember Nielsen made a motion to pay bills numbered 20149 through 20240. Councilmember James seconded the motion and all five councilmembers voted aye.

SEWER EXTENSION ON 400 SOUTH.

Councilmember Nielsen said she wonders about the legality of charging someone for an extension that goes beyond their connection. She said the City needs a legal opinion on the ordinance.

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George Thigpen said his 10' x 20' building is not worth what it would cost to hook to the sewer.

Mayor Haycock said the state law says if you are within 300 feet you have to connect.

Councilmember Olson said it may be legal but is it fair.

Councilmember Nielsen said if you enforce one, you have to enforce them all.

Bruce Jorgensen was asked to look at the ordinance and give advice.

LaVon McBride said he has been trying for two weeks to get a building permit and he is willing to pay for his two hookups. He said there are six participants right now and that includes his two and he is willing to pay those two hookups. He asked to pay two-sixth of the extension fee and then if there is a change it could be taken care of later.

Councilmember Olson made a motion to suspend the action that was directed in the letters until a legal opinion can be received from the attorney and then the fees will be reassessed in the fairest manner possible. Councilmember Nielsen seconded the motion and all five councilmembers voted aye.

Councilmember Nielsen made a motion to allow LaVon McBride to proceed with his building and he has agreed to pay his share of the extension costs

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which will be determined when the legal opinion is rendered. Councilmember Olson seconded the motion and all five councilmembers voted aye.

ADJOURNMENT

There being no further business before the Council, Councilmember James moved and Councilmember Leishman seconded the motion to adjourn Council meeting at 10:12 p.m.. All five councilmembers voted aye.

\_\_\_\_\_  
Ralph H. Haycock  
Mayor

ATTEST:

\_\_\_\_\_  
D. Brent Jensen  
City Recorder

Approved: March 6, 1997  
as written

\* \* \* \* \*

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MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 15, 1999, AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 7:30 P.M.

**CONDUCTING:** Mayor Gordon M. Olson

**ROLL CALL:** Councilmembers Dixie L. Clawson, Larry G. Gittins, and Douglas L. Stipes present.

**EXCUSED:** Councilmembers Bruce O. James and J. Dennis Leishman.

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

**OTHERS PRESENT:** City Administrator D. Brent Jensen, Zoning Administrator Tom LaBau, and twenty-six citizens. City Recorder Stephanie Fricke recorded the minutes.

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

Mayor Olson explained the voting process when only three Councilmembers are present. In order for the Council to approve or adopt any item, State law requires all three members to vote in favor of it, or the motion will not pass.

**PLEDGE OF ALLEGIANCE:** Councilmember Stipes led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember Gittins

**APPROVAL OF MINUTES:**

Councilmember Stipes recommended on Page 79, Paragraph 4, Sentence 2 adding AIn Ordinance 99-15, Section 17.12.015 Alternate Member, after the words >unless a member of the Planning Commission is not in attendance= omit >and the alternate member has been asked to participate by the Chairman= from the ordinance.@

**ACTION**

Councilmember Gittins made a motion to approve the minutes of the City Council Meeting held May 20, 1999 as amended. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

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**ACTION**

Councilmember Stipes made a motion to approve the minutes of the City Council Meeting held June 17, 1999 as written. Councilmember Gittins seconded the motion and all three councilmembers present voted aye.

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was FAXED to The Herald Journal, and mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

Councilmember Stipes recommended removing agenda item 9D and 9E an excavation permit ordinance and resolution. The City Council agreed to hold a workshop on these two items at the January 21, 1999 City Council meeting. A workshop has not been held and there are still some items of concern that need to be addressed before these items are approved.

City Administrator D. Brent Jensen recommended removing item 12B. Weight limit signs on Anderson Avenue, because the problem has been resolved.

**ACTION**

Councilmember Gittins made a motion to adopt the agenda as amended. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

## AGENDA

## 8. PUBLIC HEARING

1. The purpose of this hearing is to receive public comment on the following:
  1. Amending Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code to establish provisions for deviations of minimum setbacks for accessory buildings and to allow attached garage fronts forward of a home=s front wall.
  2. Annexation of approximately 3 acres located on the east side of State Highway 165 (800 East) between 250 North and 350 North.
  3. Changing the name of 380 North street in the Ridgecrest Subdivision to Ridgecrest Circle.

## 9. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Ordinance 99-18 - An ordinance amending the Municipal Zoning Map and annexing certain real property and extending the corporate limits of Hyrum City, Utah.
- B. Ordinance 99-19 - An ordinance amending Section 17.28.040 of Title 17 (the Zoning Ordinance) to establish provisions for deviations of minimum setbacks for

accessory buildings.

- C. Ordinance 99-20 - An ordinance renaming 380 North street in Hyrum City=s Ridgecrest Subdivision to Ridgecrest Circle.
- ~~D. Ordinance 99-01 B An ordinance adding Chapter 12.24 to Title 12 (the Excavation Permit Ordinance) of the Hyrum City Municipal Code.~~
- ~~E. Resolution 99-03 B A resolution setting excavation permit fees as established by Section 12.24.050 of the Hyrum City Municipal Code.~~
- F. Resolution 99-17 - A resolution authorizing the execution and delivery of a Power Supply Agreement with Utah Associated Municipal Power Systems; and related matters.

10. SCHEDULED DELEGATIONS:

- 1. Jennifer Davies - To request a Home Occupation Business License for a hair salon at 825 West 150 North.
- B. Bob & Karen Jensen - To request a Home Occupation Business License to sell and service appliances at 145 North 800 East.
- C. Lee Gyllenskog, Utah State Parks - To request ANo Parking@ signs be posted at the intersection of 400 West and 300 South.
- D. Carol Dee Petersen, Ms. Senior Utah - To request sponsorship for the Ms. Senior America Pageant.
- E. Leon Savage - To request approval of a five-lot mini-subdivision located at approximately 200 North and 500 West.
- F. Gaylen & Arlene Jensen - To discuss the property located next to the northeast corner of High Valley Subdivision.

.. HEARING:

- 1. Robert L. Baxter B To object to the notice to abate nuisance from the real property located at 95 East Main.

12. OTHER BUSINESS:

- A. Proposal for relocation of Westridge Subdivision=s irrigation system.
- ~~B. Weight limit signs on Anderson Avenue.~~
- C. Approval of subdivision design standards and construction specifications for Hyrum City.
- D. Rental of gazebo and building deposits.
- E. Irrigation water rationing.
- F. Approval of Y2K statement.
- G. Miss Cache Valley Logan Scholarship Program.
- H. Mayor and City Council reports.
- I. Approval of invoices and disbursements.

13. ADJOURNMENT

**PUBLIC HEARING:**

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**AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR DEVIATIONS OF MINIMUM SETBACKS FOR ACCESSORY BUILDINGS AND TO ALLOW ATTACHED GARAGE FRONTS FORWARD OF A HOME=S FRONT WALL.**

Mayor Olson opened the public hearing for comments at 7:45 p.m.

The Planning Commission recommended changing the ordinance to establish provisions for deviations of minimum setbacks for accessory buildings and to allow attached garage fronts forward of the home=s front wall. The Planning Commission will consider structure design, landscaping, proximity to neighboring dwellings and other pertinent data if a request is made for an accessory building to be located closer than 10 feet to the rear of main building.

Dennis Ostermiller said the current ordinance specifies an accessory building must be setback a minimum of 10 feet from the rear of the main building. He said the application of this standard leaves some inconsistencies. Shapes of homes vary and the setback from the street varies. He would like to see the code modified to allow an accessory building to be located closer than 10 feet from the rear of the main building.

**ANNEXATION OF APPROXIMATELY 3 ACRES LOCATED ON THE EAST SIDE OF STATE HIGHWAY 165 (800 EAST) BETWEEN 250 NORTH AND 350 NORTH.**

Pastor James H. Herod with the Emanuel Baptist Church submitted a petition for annexation of approximately 3 acres of real property located on the east side of State Highway 165 (800 East) between 250 North and 350 North. The City Council passed resolution 99-12 accepting Herod=s petition for annexation on May 25, 1999. Also on May 25, 1999 the Hyrum City Council received the required Notice of Certification from the City Recorder certifying that the petition met the requirements of State law. The forty day protest period has expired and there were no written protests to the annexation petition filed.

The property owner has requested Commercial (C-1) Zoning if annexed. The property is adjacent to an existing Commercial Zone.

**CHANGING THE NAME OF 380 NORTH STREET IN THE RIDGECREST SUBDIVISION TO RIDGECREST CIRCLE.**



Paul James submitted a petition to change the name of 380 North Street in the Ridgecrest Subdivision to Ridgecrest Circle. There have been problems with emergency vehicles not being able to locate the homes on 380 North Ridgecrest in a timely manner. The name change has been requested to enhance safety for the residents on this street.

If the name of the street is changed, the street sign should have both Ridgecrest Circle and 380 North on it.

After no further comments, Mayor Olson closed the public hearing at 8:10 p.m.

**INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:**

**ORDINANCE 99-18 - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP AND ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF HYRUM CITY, UTAH.**

**ACTION**

Councilmember Stipes made a motion to adopt Ordinance 99-18 amending the municipal zoning map and annexing certain real property and extending the corporate limits of Hyrum City, Utah; Ordinance 99-19 amending section 17.28.040 of Title 17 (the Zoning Ordinance) to establish provisions for deviations of minimum setbacks for accessory buildings; and Ordinance 99-20 renaming 380 North street in Hyrum City=s Ridgecrest subdivision to Ridgecrest Circle. Councilmember Gittins seconded the motion and all three councilmembers present voted aye.

**ORDINANCE 99-19 - AN ORDINANCE AMENDING SECTION 17.28.040 OF TITLE 17 (THE ZONING ORDINANCE) TO ESTABLISH PROVISIONS FOR DEVIATIONS OF MINIMUM SETBACKS FOR ACCESSORY BUILDINGS.**

Ordinance 99-19 was included in the motion adopting Ordinance 99-18 and 99-20 (see above motion).

**ORDINANCE 99-20 - AN ORDINANCE RENAMING 380 NORTH STREET IN HYRUM CITY=S RIDGECREST SUBDIVISION TO RIDGECREST CIRCLE.**

Ordinance 99-20 was included in the motion adopting Ordinance 99-18 and 99-19 (see above motion).

**RESOLUTION 99-17 - A RESOLUTION AUTHORIZING THE EXECUTION AND**

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DELIVERY OF A POWER SUPPLY AGREEMENT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; AND RELATED MATTERS.

Resolution 99-17 approves an agreement that will allow Hyrum City to enter into firm transactions as determined by Hyrum City's UAMPS Representative.

■ Councilmember Gittins made a motion to adopt Resolution 99-17 authorizing the execution and delivery of a power supply agreement with Utah Associated Municipal Power Systems; and related matters. Councilmember Stipes seconded the motion and all three councilmembers present voted aye.

**SCHEDULED DELEGATIONS:**

JENNIFER DAVIES TO REQUEST A HOME OCCUPATION BUSINESS LICENSE FOR A HAIR SALON AT 825 WEST 150 NORTH.

Jennifer Davies requested a Home Occupation Business License for a hair salon at 825 West 150 North. Construction of the home has not been started, but the architectural plan for the home has been completed and it includes a room for the hair salon. The salon will be to the rear of the garage. There is a door in the salon that enter/exits into the garage and another door that enter/exits into the home.

Before the home is built, the Cache County Building Department should be informed there will be a salon in that room. The County can then provide building inspection and fire inspection for a salon.

Councilmember Clawson made a motion to approve a Home Occupation Business License for Jennifer Davies at 825 West 150 North for a hair salon with the stipulation that the Cache County Building Department be informed about the salon for proper inspections.

Councilmember Gittins seconded the motion and all three councilmembers present voted aye.

BOB & KAREN JENSEN TO REQUEST A HOME OCCUPATION BUSINESS LICENSE TO SELL AND SERVICE APPLIANCES AT 145 NORTH 800 EAST.

Bob Jensen requested a Home Occupation Business License to sell and service appliances at 145 North 800 East. Bob currently has a repair shop for appliances on Main Street in Hyrum, but he does not have

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enough business to justify keeping the repair shop open. He would like to move his business to his home. He has a garage that is attached to the home that he will use as his repair shop. Most of his business is conducted at the customer=s home. 800 East is a very busy road and the driveway would not provide sufficient parking for his business. Instead of Bob=s customers parking on 800 East, it would be better if they parked on Park Drive.

**ACTION**

Councilmember Stipes made a motion to approve a Home Occupation Business License for Bob and Karen Jensen at 145 North 800 East to sale and service appliances with the condition that a hard surface or gravel parking lot for at least one car on Park Drive be provided. Councilmember Clawson seconded the motion

Councilmember Gittins recommended amending Councilmember Stipes motion to include that the business license be reviewed in one year to see if a parking space is needed.

Councilmember Stipes denied Councilmember Gittins recommendation.

Mayor Olson called for a question on the motion and all three councilmembers present voted aye.

LEE GYLLENSKOG, UTAH STATE PARKS TO REQUEST ANO PARKING@ SIGNS BE POSTED AT THE INTERSECTION OF 400 WEST AND 300 SOUTH.

Lee Gyllenskog with Utah State Parks requested ANo Parking@ signs be posted at the intersection of 400 West and 300 South. Hyrum Dam provides enough parking spaces for the visitors to park either inside the park or in the parking lot provided by Hyrum Dam at 400 West and 280 South. There is not a parking fee charged to the vehicles that park in the lot on 400 West.

The intersection of 400 West and 100 South is a dangerous intersection when cars are parked to the side of the road. The parked cars interfere with the view of drivers on 400 West turning east.

**ACTION**

Councilmember Gittins made a motion to post ANo Parking@ signs at the intersection of 400 West and 300 South. Councilmember Stipes seconded the motion and all three councilmembers present voted aye.

CAROL DEE PETERSEN, MS. SENIOR UTAH TO REQUEST SPONSORSHIP FOR THE MS. SENIOR AMERICA PAGEANT.

Carol Dee Petersen was not in attendance but, during the June 17 Council Meeting, she requested sponsorship from Hyrum City for the Ms. Senior America Pageant.

Carol Dee Petersen, a Hyrum resident, was named Ms. Senior Utah in a pageant held June 11 and 12, 1999. She will represent Utah in a the national pageant on September 19, 1999 in Las Vegas.

**ACTION**

Councilmember Gittins made a motion to approve a \$500 donation to Carol Dee Petersen for her participation in the Ms. Senior America Pageant. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

LEON SAVAGE TO REQUEST APPROVAL OF A FIVE-LOT MINI-SUBDIVISION LOCATED AT APPROXIMATELY 200 NORTH AND 500 WEST.

The Hyrum City Planning Commission made the following recommendations upon approval of Leon and Paula Savage=s five-lot mini-subdivision to be located at 200 North 500 West:

1. Hyrum City pay the entire cost to pipe the irrigation ditch in front of four lots.
2. The developer pay the entire cost to install sidewalk in front of four lots.
3. Hyrum City and the developer split the cost for the improvements of the road running west on 200 North in front of the proposed mini-subdivision. The road should include the following improvements:
  1. A minimum 60 foot turn about, unpaved, at the end of the mini-subdivision.
  2. The bump in the road be leveled out.
  3. Meet current construction specifications.
4. Hyrum City will pay to extend the water, sewer and electric lines.

The following is a list of estimated construction costs for utilities to be extended from 200 North Street 400 feet West from 500 West Street:

Storm drainage system	\$14,000
Water line & valves	\$ 9,140
Sewer line & manholes	\$ 7,650
Fire hydrant & valve	\$ 1,500
Electric line & transformer	\$ 5,659
Road	\$14,844
TOTAL	\$52,793

Hyrum City=s current ordinance requires the City to provide line extensions for water, sewer and power. The City is responsible to run the main lines and the laterals are run by the property owner.

A discussion ensued to whether or not the City should require the road to be paved and if so if the City should participate in the cost or pay for the entire road. There are other areas in Hyrum where homes front an unpaved road. Hyrum City has a priority list of roads that need to be paved. It would not be fair to the residents on those unpaved roads for the City to pay to pave a road for new homes to be built.

**ACTION**

**Councilmember Stipes made a motion to approve a five-lot mini-subdivision for Leon and Paula Savage located at approximately 200 North and 500 West with the following stipulations: Hyrum City will extend the water, sewer and electric lines in accordance with the Hyrum City Municipal Code; Hyrum City will provide a fire hydrant and valve; Hyrum City will pipe the drainage ditch from in front of the four lots to the feeder canal; the road in front of the four lots will not be paved at this time, instead it will be placed on Hyrum City=s list of roads that need to be paved; the developer will install sidewalk in front of the four building lots; and the developer will provide Hyrum City an easement across the property to maintain the drainage pipe. Councilmember Gittins seconded the motion and all three councilmembers present voted aye.**

The Planning Commission is reviewing the mini-subdivision ordinance to require all mini-subdivisions to be on a paved street.

**GAYLEN & ARLENE JENSEN- TO DISCUSS THE PROPERTY LOCATED NEXT TO THE NORTHEAST CORNER OF HIGH VALLEY SUBDIVISION.**

Gaylen Jensen owns a piece of property located next to the northeast corner of High Valley Subdivision. He would like to build a home on the property, but he cannot get a building permit. Hyrum City=s Municipal Code requires a building lot to have at least 99' of frontage on a street. The property does have a 33' right-of-way in front of the property. The 33' right-of-way was annexed into Hyrum City, but the lane on the west side of High Valley that the 33' right-of-way exits off of is in Cache County.

The options to deal with the problem would be to not use the lot as a building lot, de-annex the property, dedicate the right-of-way to the City, or issue a building permit illegally.

The Planning Commission has recommended that the City Council allow Gaylen and Arlene Jensen to obtain a building permit for the property located next to the northeast corner of High Valley Subdivision with

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the contingencies that the 33' right-of-way be deeded to the City prior to issuing the building permit and a portion of property be donated to use as a turn around at the end of the road.

If a home is built on that property Hyrum City will be responsible for maintaining the lane that exits off of Highway 101. The road services two homes in the County and one home in the City (if allowed a building permit).

**ACTION**

Councilmember Gittins made a motion to allow a building permit to be issued to Gaylen and Arlene Jensen for the property located next to the northeast corner of High Valley Subdivision with the contingencies that the 33' right-of-way be deeded to the City before a building permit is issued and a portion of the property be donated to the City to use as a turn around at the end of the road.

Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

**HEARING:**

**ROBERT L. BAXTER - TO OBJECT TO THE NOTICE TO ABATE NUISANCE FROM THE REAL PROPERTY LOCATED AT 95 EAST MAIN.**

Hyrum City sent a Notice to Abate Nuisance to Robert LaMar Baxter on June 18, 1999. Section 8.16.060 of the Hyrum City Municipal Code defines a nuisance and it includes keeping or depositing of lumber on premises. Mr. Baxter has a huge pile of lumber piled west of the building on 95 East Main. It is visible from the street and Hyrum City has received several complaints on the lumber. The Notice to Abate Nuisance was filed after three different letters were sent to Mr. Baxter requesting removal of the lumber.

Mr. Baxter handed a letter to the City Council dated July 15, 1999.

He said the lumber had only been there since last fall and he is planning to use the lumber to build a storage shed to park his van in. He disagreed with Hyrum City's assessment of the lumber being a nuisance as defined in Hyrum City's Municipal Code. He said Hyrum City is overstepping its bounds by telling him what he can and can't keep on his private property.

**ACTION**

Councilmember Stipes made a motion for Mr. Robert LaMar Baxter to comply with Hyrum City's Notice to Abate Nuisance from the property located at 95 East Main by December 1,

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1999. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

**OTHER BUSINESS:**

**PROPOSAL FOR RELOCATION OF WESTRIDGE SUBDIVISION=S IRRIGATION SYSTEM.**

Westridge Subdivision was approved and recorded in 1978. The subdivision was approved with the pressurized irrigation system lines running on the rear property lines. Cove Sand & Gravel is the contractor making improvements in Westridge and it installed PIP pipe (a low pressure, thin-walled pipe used for field irrigation applications but unsuitable for the City=s system) instead of Class 200 pipe as specified by the City. The contractor claims the City knew it was using PIP and said nothing, indicating approval of the material. The contractor has not installed any valves or drains in the system, which could also cause problems, but the contractor insists the City approved it that way.

Several residents in Westridge Subdivision have contacted the City regarding the pressurized irrigation lines being located on the rear property line. They are concerned about the lower quality pipe causing frequent breaks in the line. If the pipes break the City would have to tear up someone=s backyard to repair the line. Rod Blossom the developer of Westridge Subdivision said the City approved the lines to be located behind the homes. The City inspected the PIP and never told Cove Sand and Gravel to remove the PIP until the PIP was almost completely installed in the subdivision. Kurt Allen with Cove told Rod that a City Representative authorized the use of the PIP, but he did not get it in writing.

The contractor has not been tapping into the main pressurized irrigation line for service to the homes. Individual home owners have been tapping into the main line, which could have caused breaks and/or leaks in the main line.

The City requested an estimate from Cove Sand and Gravel to relocate the lines in front of the homes in the public utility easement and install Class 200 pipe. Cove has agreed to furnish the Class 200 pipe if the City pays for installation or the other option would be to leave the pipe as installed and Cove would offer a two-year maintenance warranty to repair all breaks and/or leaks at its expense.

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Tim Brown said he purchased a home with his son Cody in the Westridge Subdivision. They have paid for a pressurized irrigation connection, but have not been able to use it. He is concerned about the quality of pipe that has been installed in their backyard. He does not want his backyard to be tore up due to a break in an inadequate pipe that shouldn=t have been used in the first place.

Ryan Christoffersen said he owns a home in Westridge Subdivision. He is concerned about the pipe breaking and flooding his home.

Alan Tiger said he owns a home in Westridge and he wanted to know how long the current pipe would last?

The current pipe could last forever or it could break the first year depending on a number of things. The system in Westridge is on a gravity flow system, the pipe won=t last long if the pressure over exceeds the pipe=s limit.

Mayor Olson said he would recommend that the City relocate the line to the front property line and replace it with Class 200 pipe.

**ACTION**

Councilmember Stipes made a motion to approve Cove Sand & Gravel=s proposal #1 to relocate the pressurized irrigation line to the front property line and install Class 200 pipe. City Administrator Brent Jensen should negotiate with the contractor and developer on the cost of materials and participating in the cost to install the system correctly. Councilmember Gittins seconded the motion and all three councilmembers present voted aye.

**APPROVAL OF SUBDIVISION DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS FOR HYRUM CITY.**

Bush and Gudgell has completed Hyrum City=s Subdivision Design Standards and Construction Specifications Book. This book will provide all of the information needed for a developer to design and construct a subdivision to Hyrum City=s standards.

The subdivision fee will need to be increased \$50 to cover the cost for the book. The book will be given to the developer at the beginning of the subdivision process.



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**ACTION** Councilmember Stipes made a motion to approve the Subdivision Design Standards and Construction Specifications Book for Hyrum City and to increase the subdivision fee \$50 to cover the cost of the book. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

**ACTION** Councilmember Stipes made a motion to amend the Subdivision Design Standards and Construction Specification Book to include planting strip information on page 1-15 and on page 1-17 change it to obtain UDOT approval rather than contact UDOT. Councilmember Gittins seconded the motion and all three councilmembers present voted aye.

#### RENTAL OF GAZEBO AND BUILDING DEPOSITS.

There have been requests to reserve the gazebo for weddings, family parties, and other activities. If the City is going to allow the gazebo to be used for these types of activities a rule sheet should be given out and a rental fee and a deposit should be charged.

The pavilion on the City Square can be reserved with no rental fee or deposit. If a rental fee and a deposit is going to be charged to reserve the gazebo the same fees should be charged to reserve the pavilion.

**ACTION** Councilmember Gittins made a motion to charge a \$25.00 deposit and a \$25.00 rental fee for reservation of the gazebo or pavilion and to require all deposits on buildings or parks to be paid in cash. Councilmember Clawson seconded the motion.

Councilmember Stipes recommended amending Councilmember Gittins motion to change the \$25.00 deposit to a \$50.00 deposit.

Councilmember Gittins and Clawson accepted Councilmember Stipes recommendation and all three councilmembers voted aye.

#### IRRIGATION WATER RATIONING.

The City may have to consider rationing irrigation water. The

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current system can barely keep up with the demands placed on it by its users.

APPROVAL OF Y2K STATEMENT.

**ACTION** Councilmember Clawson made a motion to table the Y2K Statement until the next City Council Meeting. Councilmember Gittins seconded the motion.

City Administrator D. Brent Jensen said there were several companies waiting to receive Hyrum City=s Y2K Statement.

Mayor Olson called for a question on the motion. Councilmember Clawson and Gittins voted aye and Councilmember Stipes voted nay. The motion failed.

**ACTION** Councilmember Stipes made a motion to approve the Y2K Statement. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

MISS CACHE VALLEY LOGAN SCHOLARSHIP PROGRAM.

**ACTION** Councilmember Stipes made a motion to contribute \$250 to the Miss Cache Valley/Logan Scholarship Program. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

MAYOR AND CITY COUNCIL REPORTS.

A Hyrum City flag and an American flag will be installed by the gazebo.

Fran has been working on designing a Hyrum City pin. The pin will have Hyrum City=s logo on it.

A special joint meeting will be held with the City Council, Planning Commission, Golf Course Committee, Master Plan Committee and Parks and Recreation Committee on August 10, 1999 at 7:00 p.m.

APPROVAL OF INVOICES AND DISBURSEMENTS.

**ACTION** Councilmember Stipes made a motion to approve bills #25209 - 25421. Councilmember Clawson seconded the motion and all three councilmembers present voted aye.

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ADJOURNMENT

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There being no further business before the Council the meeting adjourned at 11:50 p.m.

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Gordon M. Olson  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: August 5, 1999  
as written

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MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 5, 2018, 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, Kathleen Bingham, Jared L. Clawson, Paul C. James, and 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:** City Administrator Ron Salvesen, 38 citizens. Secretary Diane Woolstenhulme recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Councilmember Steve Adams led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember Jared Clawson

**APPROVAL OF MINUTES:**

The minutes of a regular City Council Meeting held on March 15, 2018 were approved as written

**ACTION**

Councilmember Paul James made a motion to approve the minutes of a regular City Council Meeting held on March 15, 2018 as written. Councilmember Jared Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, 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 Paul James made a motion to approve the agenda for April 5, 2018 as amended by removing item 10 Bywater site approval. Councilmember Jared Clawson

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

## AGENDA

8. PUBLIC COMMENT:
9. PUBLIC HEARING:
  - A. To receive public comment in response to a petition filed by Max Wilkinson, Tim Wilkinson, and Dane Wilkinson; Tracy Nielsen, and Corey W. Nielsen; Corey W. and Kayla M. Nielsen; Janice J. Clawson; James R. Nielsen; R. Deane and Ruth C. Harrison; Farrell D. and Carol Dee Petersen; and Claudia S. Evans proposing the annexation of 238.64 acres more or less of real property, located between approximately 6200 South to 6700 South between 550 East and 1300 East.
10. SCHEDULED DELEGATIONS:
  - A. ~~Bret Bywater - To request site plan approval for expansion of Bywater's Cabinets at 340 North 400 West.~~
  - B. Dan Larsen, Elk Mountain P.U.D. Phases 7, 8, and 9 - To request final plat approval for Elk Mountain Planned Unit Development Phase 7 consisting of 4 fourplexes and 3 threeplexes for a total of 21 townhouses; Phase 8 consisting of 15 fiveplexes for a total of 75 apartment units; and Phase 9 consisting 15 fiveplexes for a total of 75 apartment units located at approximately between 300 and 480 South and 1600 East to 1440 East.
  - C. Mountain View Estates - To request final plat approval for Phase 2 of Mountain View Estates consisting of 16 single family dwellings located at approximately 500 South and Hammer Road.
11. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
  - A. Resolution 18-06 - A resolution amending the bail schedule for Title 6 the Animal Ordinance of the Hyrum City Municipal Code.
  - B. Resolution 18-07 - A resolution setting dog license fees, late fees, and impoundment fees.
  - C. Ordinance 18-02 - An ordinance amending Chapter 17.72 the Sign ordinance of Title 17 of the Hyrum City Municipal Code to eliminate size restrictions on electronic signs; to allow home for lease, or rent signs; and other miscellaneous changes.
  - D. Ordinance 18-03 - An ordinance amending Title 6 the Animal Ordinance of the Hyrum City Municipal Code to

further define service animals and other miscellaneous items.

12. OTHER BUSINESS:

- A. Update on new fire station.
- B. Dirt road west of High Valley Subdivision.
- C. Mayor and City Council reports.

13. ADJOURNMENT

**PUBLIC COMMENT:**

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

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

**PUBLIC HEARING:**

TO RECEIVE PUBLIC COMMENT IN RESPONSE TO A PETITION FILED BY MAX WILKINSON, TIM WILKINSON, AND DANE WILKINSON; TRACY NIELSEN, AND COREY W. NIELSEN; COREY W. AND KAYLA M. NIELSEN; JANICE J. CLAWSON; JAMES R. NIELSEN; R. DEANE AND RUTH C. HARRISON; FARRELL D. AND CAROL DEE PETERSEN; AND CLAUDIA S. EVANS PROPOSING THE ANNEXATION OF 238.64 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED BETWEEN APPROXIMATELY 6200 SOUTH TO 6700 SOUTH BETWEEN 550 EAST AND 1300 EAST.

Mayor Miller said Hyrum City received a petition for annexation filed by Max Wilkinson, Tim Wilkinson, and Dane Wilkinson; Tracy Nielsen, and Corey W. Nielsen; Corey W. and Kayla M. Nielsen; Janice J. Clawson; James R. Nielsen; R. Deane and Ruth C. Harrison; Farrell D. and Carol Dee Petersen; and Claudia S. Evans proposing the annexation of 238.64 acres more or less of real property, located between approximately 6200 South to 6700 South between 550 East and 1300 East. The City accepted the petition by Resolution on January 4, 2018 and Certified the Annexation Petition on January 18, 2018. The law required the Certification which gives people the opportunity to protest be published for three consecutive weeks. State Law requires any protests be filed with the Cache County Boundary Commission.

The Cache County Boundary Commission received one protest that contained the signatures of 71 people/38 individual residences. Out of the 38 residences 7 of them are in Hyrum City; 31 are south of Hyrum City Limits. Over 80% of the protestors who own property,

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have either subdivided their property, built a house on subdivided property, or purchased their property in the last 20 years with 26 of the 38 building a home or buying a home since 2000. By Law the Cache County Boundary Commission held a public hearing on March 22, 2018. At that meeting the Boundary Commission determined the annexation complied with the three items listed in State Law that can be considered in a protest. The Boundary Commission made a motion to authorize this annexation to move forward with no conditions.

Hyrum City has always considered this area to be Hyrum and it is in the City's Annexation Declaration Area. The City already services this area with fire and police protection, it provides library and senior center services, and with parks and recreational opportunities. It has extended culinary water lines in this area that five of the protestors outside City Limits benefit from. The City has planned for future growth by purchasing water rights, irrigation shares, electricity, upsizing water and sewer lines, electric transmission lines and substations, and a master transportation plan in this area. This land is critical to the future growth of our City.

State Law does not require Hyrum City to hold a public hearing since the Boundary Commission held one. However, Hyrum City had mentioned earlier in this process that a public hearing would be held at a later date and wanted to ensure that everyone had an opportunity to discuss any concerns that have not already been brought before the City Council at the meeting in January. Anyone wanting to comment into tonight's public hearing will be given three minutes to speak, you must state your name, and please do not repeat things that have already been said.

No decisions will be made at tonight's meeting and there will be no discussion by the City Council after the public hearing.

Mayor Miller called for a motion to open the public hearing.

**ACTION**

**Councilmember Paul James made a motion to open the public hearing at 6:37 p.m. Councilmember Kathy Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

Cody Matthews presented the council with a copy of Utah Code which requires that people within 300 feet of annexation be given written