



CITY COUNCIL MEETING

Thursday, October 05, 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, October 05, 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. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES
 - A. [Resolution 23-22 - A resolution authorizing the Steel Solar 1A Project Second Amended and Restated Transaction Schedule under the Master Firm Power Supply Agreement with Utah Associated Municipal Power Systems; and relate matters.](#)
10. OTHER BUSINESS
 - A. [Decision on maintenance and liability of the dirt road at 2200 West Highway 101 to 400 North.](#)
 - B. Consideration and appointment to the Hyrum City Tree Board.
 - C. Mayor and City Council reports.
11. ADJOURNMENT

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 **2nd day of October, 2023**. Stephanie Fricke, MMC, City Recorder.

RESOLUTION NO. 23-22

A RESOLUTION AUTHORIZING THE STEEL SOLAR 1A PROJECT SECOND AMENDED AND RESTATED TRANSACTION SCHEDULE UNDER THE MASTER FIRM POWER SUPPLY AGREEMENT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; AND RELATED MATTERS.

***** ***** *****

WHEREAS, Hyrum City (the “*Member*”) owns and operates a utility system for the provision of electric energy to its residents and others (the “*System*”) and is a member of Utah Associated Municipal Power Systems (“*UAMPS*”) pursuant to the provisions of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action dated as of March 20, 2009, as amended (the “*Joint Action Agreement*”);

WHEREAS, the Member desires to purchase all or a portion of its requirements for electric power and energy from or through UAMPS and has entered into a Power Pooling Agreement with UAMPS to provide for the efficient and economic utilization of its power supply resources;

WHEREAS, the Member has previously entered into the Master Firm Power Supply Agreement with UAMPS in order to allow for UAMPS entering into various firm transactions for the purchase and sale of firm supplies of electric power and energy;

WHEREAS, UAMPS has investigated the Steel Solar 1A Project, a forty (40) megawatt (MW) solar photovoltaic generation facility to be located in Box Elder County, Utah, on behalf of its members and is now prepared to enter into a twenty-five (25) year second amended and restated power purchase agreement with Steel Solar LLC to secure the delivery of all the energy from the Project and associated environmental attributes; and

WHEREAS, the Member now desires to authorize and approve the Steel Solar 1A Second Amended and Restated Transaction Schedule (“*Second Amended and Restated Transaction Schedule*”) attached hereto as Exhibit A for the Project subject to the parameters set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum City as follows:

Section 1. Authorization of Steel Solar 1A Second Amended and Restated Transaction Schedule. The Second Amended and Restated Transaction Schedule, in substantially the form presented at the meeting at which this resolution is adopted, is hereby authorized and approved, and the Member Representative is hereby authorized, empowered and directed to execute and deliver the Second Amended and Restated Transaction Schedule on behalf of the Member. Promptly upon its execution, the Second Amended and Restated Transaction Schedule shall be filed in the official records of the Member.

Section 2. Other Actions. The Mayor, City Recorder, the Member Representative and other officers and employees of the Member shall take all actions necessary or reasonably required to carry out,

give effect to, and consummate the transactions contemplated hereby and shall take all actions necessary to carry out the execution and delivery of the Second Amended and Restated Transaction Schedule and the performance thereof.

Section 3. Miscellaneous; Effective Date. (a) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

(b) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(c) This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this _____ day of _____, 2023.

HYRUM CITY

Stephanie Miller
Mayor

ATTEST AND COUNTERSIGN:

Stephanie Fricke
City Recorder

[SEAL].

EXHIBIT A
STEEL SOLAR 1A SECOND AMENDED AND RESTATED TRANSACTION SCHEDULE

**STEEL 1(A) SOLAR PROJECT
FIRM POWER SUPPLY AGREEMENT
SECOND AMENDED AND RESTATED TRANSACTION SCHEDULE**

This Second Amended and Restated Transaction Schedule to the Master Firm Power Supply Agreement to which all Parties to this Transaction Schedule are signatories provide for the following transactions. The Parties to this Second Amended and Restated Transaction Schedule agree to the following provisions and agree to pay all costs of this transaction through the Firm Power Supply Project.

PURCHASER: Hyrum City

ENTITLEMENT SHARE: 6.46%

SUPPLIER: Steel Solar, LLC (the “Steel Solar Project”)

EFFECTIVE DATE: The Power Purchase Agreement by and between UAMPS and Steel Solar, LLC for the Steel 1(A) Solar Resource (the “Original PPA”) was executed on November 18, 2020 and that certain amendment to the Original PPA dated as of February 16, 2022 (“Amendment”). The Original PPA, as amended by the Amendment, was amended, restated and executed by UAMPS and Steel Solar, LLC on June 23, 2022 (the “First Amended PPA”). The First Amended PPA was amended, restated and executed by UAMPS and Steel Solar, LLC on August 30, 2023 (“Second Amended PPA”) The Second Amended PPA becomes effective upon UAMPS obtaining member governing body approvals. UAMPS anticipates satisfying this condition within 60 days of executing the Second Amended PPA. The Scheduled Commercial Operation Date (“COD”) is November 30, 2023. The COD may not occur earlier than March 30, 2023 but not later than March 30, 2024.

TERM: A 25-year delivery term commencing on COD. The Second Amended PPA will become effective upon UAMPS satisfying the condition precedent identified above.

AMOUNT: 2,584 kW and associated Environmental Attributes (“Entitlement Share”)

PRICE: \$34.66 per MWH

OTHER PROVISIONS:

Energy: UAMPS will schedule all energy pursuant to the terms and conditions of the Second Amended PPA and will delivery to the Purchaser its Entitlement Share of the Steel 1(A) Solar Resource. The Steel 1(A) Solar

Resource is to be constructed as a 40 MW solar photovoltaic generation facility located in Box Elder County, Utah.

Transmission: UAMPS will charge and the Purchaser will pay transmission charges as adopted by the UAMPS Board of Directors from time to time.

Administration: UAMPS will charge and Purchasers will pay the scheduling fee and reserve fee as adopted by the UAMPS Board of Directors from time to time.

Buyout Options: Under the Second Amended PPA, UAMPS has the ability to buy the Steel 1(A) Solar Resource from Steel Solar, LLC at specified buyout dates pursuant to a fair market value appraisal. If UAMPS is directed to pursue one of its buyout options, then UAMPS will in parallel develop new contracts or amend the Firm Power Supply Agreement with the Purchasers to provide UAMPS with the ability to finance the buyout of the Steel 1(A) Solar Resource.

Step-Up Obligation:

- (1) In the event of a default by one of the Purchasers, UAMPS shall immediately allocate all of the defaulting Purchaser's Entitlement Share among the nondefaulting Purchasers, pro rata on the basis of their then-current Entitlement Shares, which shall remain in effect only until the completion of the procedures provided herein. UAMPS shall provide written notice to the nondefaulting Purchasers of the initial allocation of the defaulting Purchaser's Entitlement Share which notice shall (A) set forth the date of the initial allocation, (B) include a revised Schedule I showing the increased Entitlement Shares as a result of such allocation, (C) direct each of the nondefaulting Purchasers to make an election pursuant to subparagraph (2) below, and (D) set forth the date by which each of the nondefaulting Purchasers must notify UAMPS of such election. The initial allocation of the defaulting Purchaser's Entitlement Share and the increased Entitlement Shares of the nondefaulting Purchasers as a result of such allocation (as shown on the revised Schedule I prepared by UAMPS) shall remain in effect until the completion of the procedures provided for herein. During such period, each of the nondefaulting Purchasers shall have all of the rights, benefits, obligations and responsibilities associated with its increased Entitlement Share as a result of such allocation.
- (2) Within sixty days after the initial allocation of the defaulting Purchaser's Entitlement Share, each nondefaulting Purchaser shall notify UAMPS in writing of its election to: (A) retain all of its initial allocation of the defaulting Purchaser's Entitlement Share; or (B) retain none or less than all of such allocation. Any Purchaser that elects to retain all of its initial allocation of the defaulting Purchaser's

Entitlement Share shall be deemed to have fully satisfied its step-up obligations and shall not thereafter be required to accept any additional allocation of the defaulting Purchaser's Entitlement Share; *provided* that any such nondefaulting Purchaser may give notice to UAMPS of its request to acquire additional amounts of the defaulting Purchaser's Entitlement Share as may be available.

- (3) Within thirty days after its receipt of the elections of all nondefaulting Purchasers pursuant to subparagraph (2), UAMPS shall determine whether the nondefaulting Purchasers have elected to retain all of the defaulting Purchaser's Entitlement Share. In the event that one or more of the nondefaulting Purchaser's elected to retain less than all of the initial allocations of the defaulting Purchaser's Entitlement Share, UAMPS shall reallocate the remaining amounts of the defaulting Purchaser's Entitlement Share proportionally among those nondefaulting Purchasers that have requested additional amounts of the defaulting Purchaser's Entitlement Share. To the extent that any part of the defaulting Purchaser's Entitlement Share is then unallocated, UAMPS shall next reallocate the remaining portion of the defaulting Purchaser's Entitlement Share proportionally among those Purchasers that did not elect to retain all of their initial allocations of such Entitlement Share. Proportional reallocations shall be based upon the Entitlement Shares of the nondefaulting Purchasers in effect immediately prior to the defaulting Purchaser's default.
- (4) In no event shall the final allocation of a defaulting Purchaser's Entitlement Share pursuant to subparagraph (3) (or the total of all such allocations in the event of multiple Purchasers' defaults) cause any nondefaulting Purchaser's Entitlement Share to increase by more than 25% over its "Adjusted Entitlement Share" without such Purchaser's consent. The "Adjusted Entitlement Share" is the Purchaser's Entitlement Share shown on Schedule I on and as of the Effective Date.
- (5) UAMPS shall deliver, promptly after making the determinations and reallocations required by subparagraphs (1-4), a notice to the nondefaulting Purchasers which notice shall (A) set forth the final allocation of the defaulting Purchaser's Entitlement Share pursuant to subparagraph (3), and the effective date of the final allocation, and (B) include a revised Schedule I showing the revised Entitlement Shares of the nondefaulting Purchasers upon the final allocation pursuant to subparagraph (3). The Entitlement Shares shown on such revised Schedule I shall thereafter be the Entitlement Shares of the nondefaulting Purchasers.
- (6) Any portion of the Entitlement Share of a defaulting Purchaser allocated or reallocated to a nondefaulting Purchaser pursuant to this paragraph (b) shall become a part of and shall be added to the Entitlement Share of the nondefaulting Purchaser, and from and after the date of such transfer the nondefaulting Purchaser shall be obligated

to pay for its increased Entitlement Share pursuant to the terms and provisions of this Transaction Schedule. The defaulting Purchaser shall remain liable to UAMPS and the nondefaulting Purchasers for costs incurred and damages suffered by them in connection with the actions taken with respect to the defaulting Purchaser’s Entitlement Share provided for herein.

- (7) If, as a result of the limitation stated in subparagraph (4) above, any portion of a defaulting Purchaser’s Entitlement Share remains unallocated or upon the request of any nondefaulting Purchaser, UAMPS shall use Commercially Reasonable Efforts to sell or dispose of the unallocated or designated Entitlement Share. The defaulting Purchaser shall be liable for the costs, fees and expenses incurred by UAMPS in connection with any such sale, disposition or remedial action.

Other: Any costs incurred by UAMPS due solely to this Transaction Schedule, including but not limited to the Second Amended PPA costs, transmission costs, scheduling costs, administrative costs and legal costs will be the responsibility of Purchasers invoiced through the UAMPS Power Bills.

This Transaction Schedule may be signed in counterpart.

Dated this _____ day of _____, 2023.

HYRUM CITY

By: _____

Title: _____

UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS

By: _____

Title: _____

Schedule I

MEMBER	KW AMOUNT 40,000	ENTITLEMENT %
Blanding	646	1.62%
Bountiful	6,459	16.15%
Fairview	129	0.32%
Fillmore	388	0.97%
Heber	6,459	16.15%
Hurricane	2,584	6.46%
Hyrum	2,584	6.46%
Lehi	10,000	25.00%
Mt. Pleasant	388	0.97%
Paragonah	50	0.13%
Payson	3,877	9.69%
Price	3,500	8.75%
Santa Clara	1,000	2.50%
SUVESD	646	1.62%
Washington	1,292	3.23%
TOTAL	40,000	100.00%



**Steel Solar Resource Talking Points for
UAMPS Participants' Governing Bodies
August 30, 2023**

What is the resource? The Steel Solar Resource will be an 80 MWac solar photovoltaic generation facility to be located in Box Elder County in northern Utah. UAMPS' members contracted for two 40 MW portions, Steel Solar 1(A) and Steel Solar 1(B). The Steel Solar 1(A) facility is scheduled to become operational in November 2023 and Steel Solar 1(B) facility is scheduled to become operational in December 2023.

How is UAMPS contracting for the resource? UAMPS has entered into power purchase agreements with Steel Solar, LLC on behalf of UAMPS' members electing to participate in these two 40 MW projects. UAMPS is utilizing the Master Firm Supply Agreement with specific transaction schedules for the Steel Solar 1(A) and Steel Solar 1(B) resources as the agreement with its members participating in these projects.

What is the term of the arrangement? The PPAs between Steel Solar, LLC and UAMPS provides for the delivery of solar energy for twenty-five year terms commencing on the commercial operation dates of Steel Solar 1(A) and Steel Solar 1(B).

What is the developer's experience? D. E. Shaw Renewable Investments (DESRI) and its affiliates develop, own, and operate long-term contracted renewable energy assets in the U.S. DESRI's portfolio of contracted, operating and in-construction renewable energy projects currently includes more than 65 solar and wind projects representing more than 8 GW of aggregate capacity. DESRI has more than 350 MW of solar under construction in Utah, as well as 360 MWac of operating solar assets. DESRI is currently the largest owner and constructor of solar projects in Utah.

What is the purpose of the Second Amended PPA?

DESRI requested the second amended PPA to allow it to take advantage of production tax credits ("PTCs") and associated financing based on PTCs. PTCs became available to solar resources through the Inflation Reduction Act and were not available to DESRI when the agreement was first entered.

What changes were made to the Second Amended PPA relating to the tax benefits?

The Second Amended PPA increases the penalty to UAMPS for default or economic curtailment by requiring UAMPS to pay both the contract price and the grossed-up value of the PTCs.

- The value of the PTCs is estimated to be approximately \$27.50/MWh and is approximately \$35/MWh when grossed up for federal, state, and local taxes. The grossed up PTCs are contractually capped at \$35/MWh.
- No grossed-up PTCs will be charged during the first year of project operations under either contract.

What additional benefits to UAMPS were provided in the Second Amended PPA?

- UAMPS is permitted additional penalty-free economic curtailment than what was provided in the First Amended PPA (from 600 MW to 2000 MW for first ten years and from 600 MW to 1000 MW for years eleven through twenty). These amounts are per contract so total free economic curtailment is 4,000 MWh during the first ten years and 2,000 MWh during the second ten years. UAMPS will not receive penalty-free economic curtailment during the last five years of the contract term.
- DESRI will allow UAMPS to develop a battery project adjacent to the Steel Solar site and use commercially reasonable efforts to cooperate with UAMPS in obtaining governmental approvals for the project over the next three years. The Second Amended PPA does not require that DESRI be the developer of the battery project.
- UAMPS is explicitly permitted to assign the PPA to J. Aron under a prepay arrangement structured to provide UAMPS members the benefits of the difference between the public and private cost of financing.
- DESRI will split 50/50 with UAMPS any benefits it receives under the Powering Affordable Clean Energy program administered by the U.S. Rural Utilities Service.

Will the project meet its contractual scheduled commercial operation date?

DESRI has represented that the 1(A) project is targeted to be operational by November 15, 2023 and the 1(B) project will be operational by December 31, 2023. The contractual Scheduled Commercial Operation Date for 1(A) is September 30, 2023 and for 1(B) is December 31, 2023.

What happens if the project does not come online as expected? Steel Solar, LLC has provided development security to protect UAMPS from the failure of the projects to ultimately become operational. The contract also provides for liquidated damages if DESRI fails to meet the Scheduled Commercial Operation Date.

What is the pricing? The price is competitive (\$34.66/MWh) with other solar projects of the same size and includes both energy and renewable energy credits (RECs). The Second Amended PPA does not raise the Contract Price.

What would happen if a participant does not approve the Second Amended and Restated Transaction Schedule? If the Steel Solar 1(A) and 1(B) Participants do not approve the Transaction Schedule(s), the Firm Power Supply Project would convene a project management meeting to discuss whether any of those participating participants are willing to pick up the available output of a participant that elects not to approve the Second Amended and Restated Transaction Schedule(s).

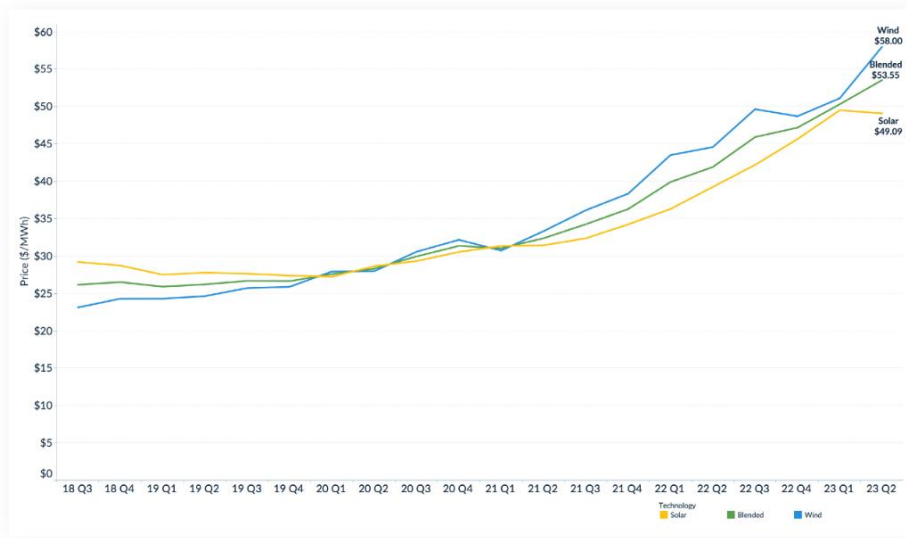
Why should UAMPS agree to amend the power purchase agreement instead of insisting on compliance with the First Amended and Restated PPA? DESRI has indicated that a failure to amend the PPA would compromise the availability of financing and their ability to complete the project. Any alternative solar PPA would be at an increased price with an online date of approximately five years due to transmission restrictions and equipment availability. The terms relating to PTCs are standard in contracts for new solar resources. (See the below graph showing PPA index value for North American Solar in Q2 2023 at \$49.09/MWh.) Additionally, DESRI agreed to provide UAMPS with the benefits described above to compensate for the increased penalty for economic curtailment or default.

LEVELTEN ENERGY

Q2 2023 PPA Price Index Executive Summary

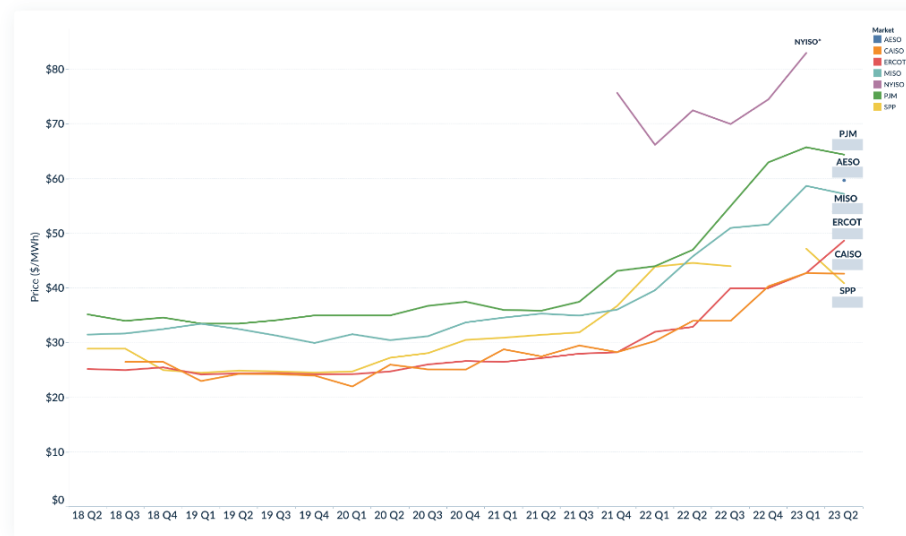
Q3 2018 TO Q2 2023

Market-Averaged Continental Index



Q2 2018 TO Q2 2023

Solar P25 Price Indices by ISO



*Price data is not available for this quarter. To protect data integrity, data volume has to hit a minimum threshold for the ISO's price to be exposed.

1

¹ LEVELTEN ENERGY

Q2 2023 PPA Price Index Executive Summary https://go.leveltenenergy.com/1/816793/2023-07-17/37bhhy/816793/1689639546mVH9ljkc/2023Q2_NA_ExecutiveSummary_PPAPriceIndex.pdf accessed August 21, 2023

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:

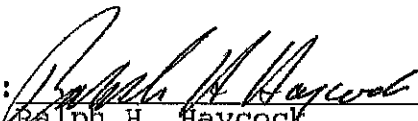
Beginning at a point located north $90^{\circ}00'00''$ east 1365.82 feet (1265.88 feet by record) from the Southwest corner of said Section 31 being a Cache County surveyor aluminum cap monument and running along the boundary of a parcel with Tax ID No. 03-056-0013 the following seven courses thence 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.

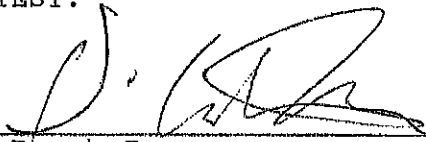
SECTION 4. This ordinance shall be effective upon the posting of three (3) copies in three (3) public places within the corporate limits of Hyrum City.

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.

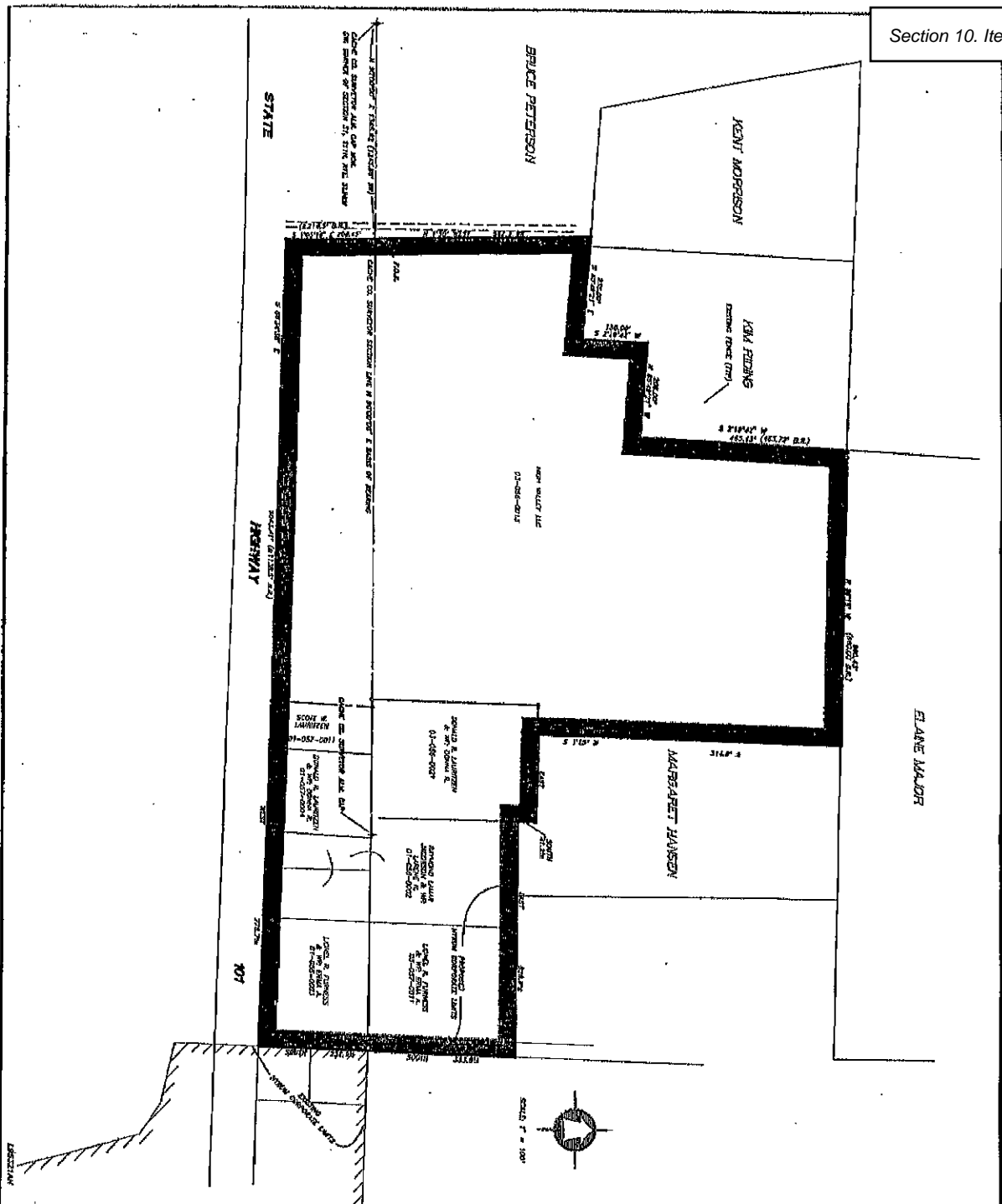
By: *Ralph H. Haycock*
Ralph H. Haycock
Mayor

ATTEST:
[Signature]
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.





STATEMENTS CERTIFICATE
 I, the Clerk of the Board, hereby certify that this is a true and correct copy of the original of this plat as recorded in the public records of this county.

ACCEPTANCE BY INSTALLING BODY
 I, the Clerk of the Board, hereby certify that this is a true and correct copy of the original of this plat as recorded in the public records of this county.

CLERK OF THE BOARD
 STATE OF OREGON, COUNTY OF CLATSOP
 My Comm. Expires _____

APPROVAL: _____ **CITY ASSISTANT**
CLERK OF THE BOARD
 STATE OF OREGON, COUNTY OF CLATSOP
 My Comm. Expires _____

APPROVAL: _____ **RIGHTS RESERVATION**

ANNEXATION PLAT
 PART OF ADDITION TO
 THE CORPORATE LIMITS OF
 EYOW CITY
 CLATSOP COUNTY, OREGON

752-3771
 770-2994
 4543180 240000
 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>\$142,195⁰⁰</u>
<u>Ernest R. Furness</u>	No. of Acres	Assessed Value
<u>Ernest A. Furness</u>	<u>3.62</u>	<u>\$139,810⁰⁰</u>
<u>Raymond J. Joseph</u>	<u>2.89</u>	<u>\$115,603⁰⁰</u>
<u>Donald Laurite</u>	<u>3.17</u>	<u>\$103,990⁰⁰</u>
<u>See Page 2</u>	<u>.59</u>	<u>\$15,166⁰⁰</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.

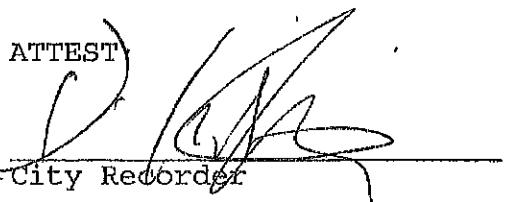
8. A road or easement is located to the West of the annexed area and apparently provides access to State Road 101 for Parcels 03-056-0012 and 03-056-0024. Hyrum City considers this road or easement to be private and expressly disclaims any intent to annex it or to provide any maintenance or snow removal 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

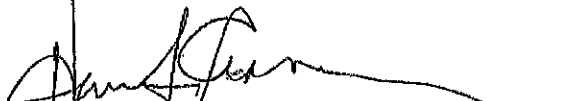
POSTED: March 13, 1997

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 17th 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

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

STATE OF New Mexico)
County of Burn-) :SS.

On the 17 day of February, 1997, personally appeared before me HENRY R. CRANE, who, being by me duly sworn, did say that he is the Manager/Member of MOUNTAIN REGION DEVELOPMENT, LLC, and that the said instrument was signed in behalf of said Limited Liability Company by authority of its Articles of Organization and Operating Agreement, and the aforesaid individual acknowledged to me that said Company executed the same.


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

blj/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 13th 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.

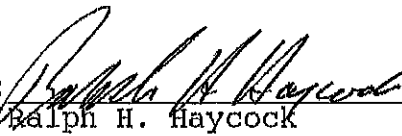
SECTION 3. That the real property described in Section 2 above shall be classified as being in the Residential R-2 zone in accordance with the provisions of Section 17.20.030 of the Hyrum City Municipal Code.

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.

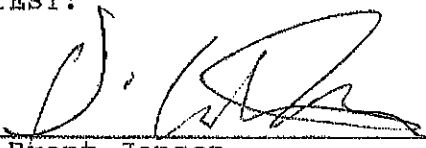
HYRUM CITY

BY:



Ralph H. Haycock
Mayor

ATTEST:



D. Brent Jensen
City Recorder

Posted: June 25, 1996

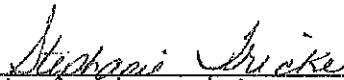
CERTIFICATE OF POSTING

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.



7545140 240000
 752-3771
 770-2994
 A uson lll 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 UC</u>	<u>26.485</u>	<u>\$42,195⁰⁰</u>
<u>Erma A. Furness</u>	No. of Acres	Assessed Value
<u>Erma A. Furness</u>	<u>3.62</u>	<u>\$139,810⁰⁰</u>
<u>Raymond J. Joseph</u>	<u>2.89</u>	<u>\$115,603⁰⁰</u>
<u>Donald L. Smith</u>	<u>3.17</u>	<u>\$103,990⁰⁰</u>
<u>See Page 2</u>	<u>59</u>	<u>\$15,166⁰⁰</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.

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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

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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

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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.

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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.

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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.

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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

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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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FEBRUARY 6, 1997

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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

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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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.

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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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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FEBRUARY 6, 1997

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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.

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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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

COUNCIL MEETING CONT.

FEBRUARY 6, 1997

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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

* * * * *

COUNCIL MEETING CONT.

JULY 15, 1999

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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.

COUNCIL MEETING CONT.

JULY 15, 1999

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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.

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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.

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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

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

■

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

Gordon M. Olson
Mayor

ATTEST:

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

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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