

CITY COUNCIL MEETING

Thursday, February 06, 2025 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, February 06, 2025. The proposed agenda is as follows:

- 1. ROLL CALL
- 2. CALL TO ORDER
- 3. WELCOME
- 4. PLEDGE OF ALLEGIANCE
- 5. INVOCATION
- 6. APPROVAL OF MINUTES
- 7. AGENDA ADOPTION
- 8. PUBLIC COMMENT
- 9. SCHEDULED DELEGATIONS
 - A. <u>Gary Ferrin, Wapiti Bluff Estates HOA President</u> To request the dissolution of Wapiti Bluff Estates Homeowners Association.
 - B. <u>**Robert Gordon**</u> To request the use of Hyrum City's Disc Golf Course for tournaments.
 - C. <u>Spencer Butterfield</u> To request a signature from Hyrum City's Power Department on an amended plat of Nautica Subdivision located in Cache County at approximately 1590 West 6710 South.
 - D. Jami Van Huss, Museum Director To present the Museum 2024 End of Year Report.

10. INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES

- A. Ordinance 25-01 An ordinance amending the Zoning Map of Hyrum City, Utah by rezoning property from Residential Agricultural (R-A) to 4.78 acres Light Manufacturing (M-1) and .96 acres to Single Family Residential (R-2) (Colter and Shantel Leishman property Tax ID #01-005-0009 and #01-005-0003 located at approximately 165 East 200 North.
- 11. OTHER BUSINESS

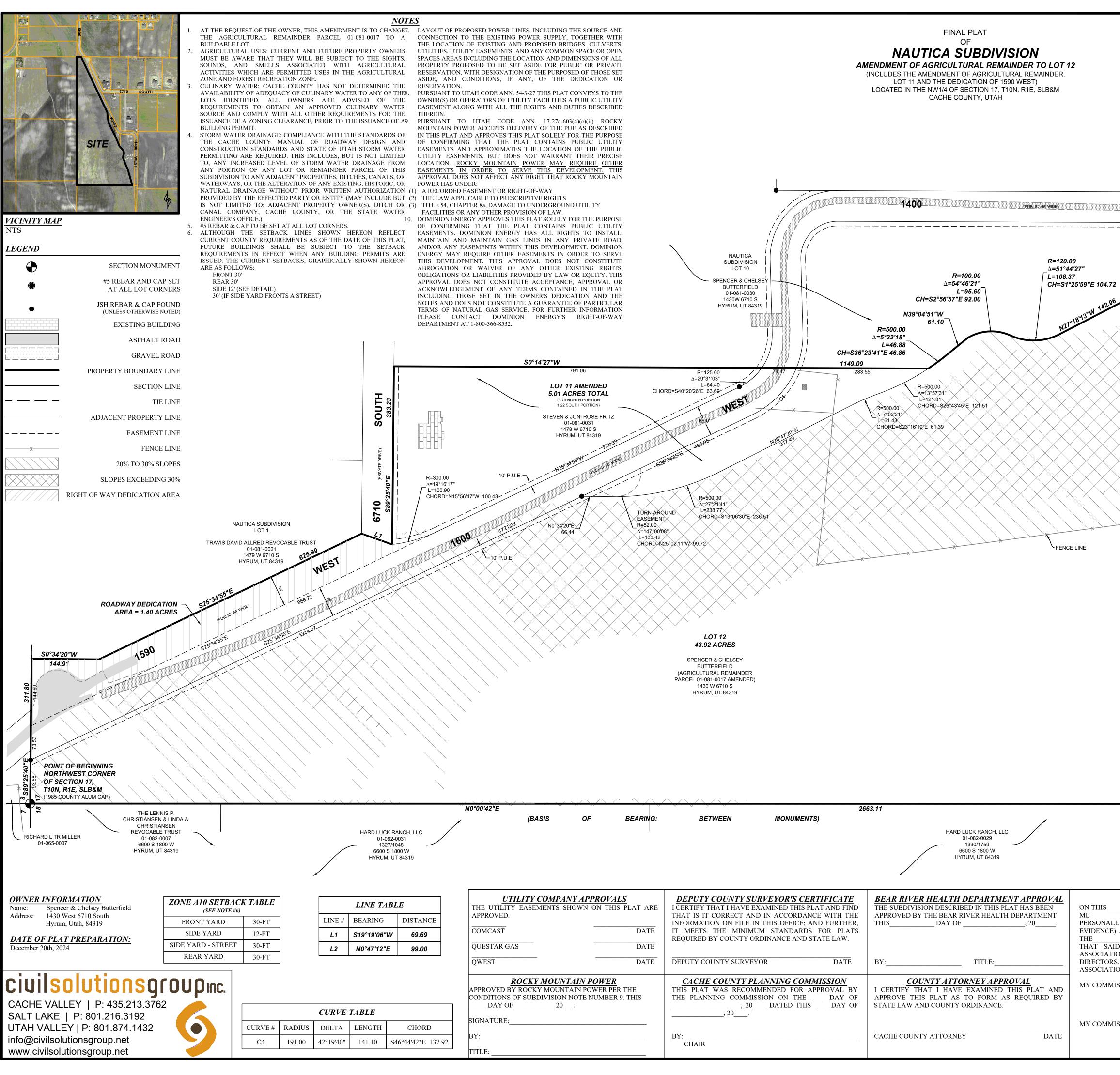
- A. <u>Consideration and approval of the Hardware Ranch Underground Powerline</u> <u>Construction, Transfer and Operation, Maintenance and Repair Agreement.</u>
- B. Mayor and City Council reports.

12. 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 February, 2025**. Stephanie Fricke, MMC, City Recorder.



	SURVEYOR'S CERTIFICATE
	I, CURTIS BOWN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 12606452-2201 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNER(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE, AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.
WEST R=500.00 Δ =11°51'46" L=103.52 CH=S21°22'19"E 103.34 S15°26'26"E	CURTIS BOWN DATE PROFESSIONAL LAND SURVEYOR DATE CERTIFICATE NO. 12606452-2201 BOUNDARY DESCRIPTION All of AGRICULTURAL REMAINDER PARCEL 01-081-0017, LOT 11 PARCEL 01-081-0031, AND 1590 WEST STREET, NAUTICA SUBIVISION of the Offical Plat thereof on file in the Office of the Cache County Recorder. Contains: 53.06 Acres OWNER'S DEDICATION KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED
1204.6 MATHEWS 01-081-006	ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOW AS: NAUTICA SUBDIVISION AMENDMENT OF AGRICULTURAL REMAINDER TO LOT 12 (INCLUDES THE AMENDMENT OF AGRICULTURAL REMAINDER, LOT 11 AND THE DEDICATION OF 1590 WEST) AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY DEDICATE, GRANT AND CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES AND CACHE COUNTY ALL EASEMENTS AS SHOWN ON THIS PLAT AS PUBLIC UTILITY EASEMENTS, THE SAME TO BE USED FOR INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY CACHE COUNTY. THE UNDERSIGNED OWNER(S) ALSO HEREBY DEDICATE, GRANT AND CONVEY TO CACHE COUNTY THE TURNAROUND EASEMENT AS SHOWN ON THIS PLAT AS OF PUBLIC ATE, GRANT AND CONVEY TO CACHE COUNTY THE TURNAROUND EASEMENT AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.
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T10N, R1E, SLB&M (2018 COUNTY ALUM CAP) Image: state stat	ACKNOWLEDGMENT ON THISDAY OF, 20, PERSONALLY APPEARED BEFORE ME STEVEN AND JONI ROSE FRITZ, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) (IS/ARE) SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED (HE/SHE/THEY) EXECUTED THE SAME . MY COMMISSION EXPIRES:
	COMMISSIONED IN RESIDING INCOUNTY MY COMMISSION No PRINTED FULL NAME OF NOTARY
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SSION EXPIRES: NOTARY PUBLIC COMMISSIONED IN RESIDING INCOUNTY	RECORDED #
PRINTED FULL NAME OF NOTARY	DATE: TIME: BOOK: PAGE: PAGE: CACHE COUNTY RECORDER

Jami J. Van Huss, Director Museum Board Members

> Steven W. Downs Kathy Kingsbury Leisha Kunz Montana Delao

John A. Petersen, Chairman Kim Faulkner, Vice Chair



50 West Main • Hyrum, Utah 84319 • Phone (435) 245-0208 email: museum@hyrumcity.com • website: hyrumcitymuseum.org

2024 End of Year Report:

Established 1860

The following report demonstrates that the Hyrum City Museum continues to flourish as a resource for our community as more people attend activities, stronger partnerships are cultivated, and professionalism, capacity, and sustainability steadily increase. In order to meet the needs of our growing community, the volunteer work of the museum board, docents, and the Hyrum City Youth Council was essential, particularly with staff hours being cut in 2024. Looking ahead, it is necessary to fund another position at the museum to maintain our current level of programming and resource offerings to our community members, which is crucial for us to fulfill our mission.

It's also imperative for staff and volunteers to continue fostering strategic partnerships to ensure the authenticity and credibility of our exhibits and programming. For instance, museum staff prioritizes working with the Northwestern Band of the Shoshone Nation by attending the annual massacre memorial, joining the monthly tribal council meetings, and providing service through planting days and other events. This, and other such relationships are non-negotiable in order to provide a better history of

our region that includes multiple perspectives and meets our responsibilities as a reputable historical organization. We appreciate the City's continued support of the museum's efforts to synergize with community partners, which provides a meaningful and impactful resource for Hyrum City citizens.

Exhibits

This year the museum displayed fourteen permanent exhibits, two with major digital components, and one that is entirely online. We also hosted several traveling and community exhibits, including artwork from students in the South Cache Art Club entitled *History & Me* and *100 Years of Filmmaking* from the Utah Film Commission. Our dedicated Community Exhibit space displayed artwork from students at Lincoln and Wellsville Elementary Schools who participated in their school's Reflections contests and artwork from our Passport to Summer Fun participants, which was inspired by the 200th Anniversary of Jim Bridger exploring Cache Valley this year.

Museum staff installed new platforms with museum-quality barriers for the *Hyrum's Heroes* and *Heart of Hyrum* exhibits. This provides greater protection for the artifacts on display while offering a more professional look to the exhibits. Plus, the online component of the veteran exhibit is now accessible



on a high-quality digital kiosk, which Utah Humanities gifted to the museum following our 2022 *H2O Today* partnership, saving the museum about \$2,000. The website received 2,964 views.



Section 9. Item D.

Educational Programming

Thanks to the support of volunteer board and youth council members, our two part-time staff were pleased to offer a robust calendar of inperson programming in 2024. We organized eleven Super Saturday events throughout the year and continued to join forces with community partners to provide substantial resources for our visitors. In January, we partnered with the Utah Historical Society to host a

Scan-and-Share as part of their statewide Peoples of Utah Revisited Project. Then in February, we invited Sema Hadithi African American Heritage & Culture Foundation to facilitate activities including "Utah's Black History Game Show," art projects, games, and readings with discussions. Then in July, we collaborated with Jump the Moon to offer accessible art activities, in August hosted a school supply drive for the Cache Refugee & Immigrant Connection, and in November invited a representative from the Rocky Mountain Veterans Center to educate local veterans about resources.

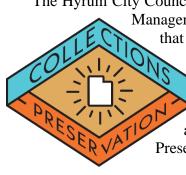
Other Super Saturdays included celebrating the Jim Bridger Bicentennial, using our 1920s printing press to make personalized Western "Wanted Posters" for visitors, a Memorial Weekend open house, Hot Wheels in Hyrum, and partnering with the Hyrum Historic Preservation Commission to offer

guided driving tours of historic Hyrum and a cemetery tour, which highlighted five founding women of Hyrum. Overall, we hosted 365 visitors during our Super Saturday events, which demonstrates that being open one Saturday each month with specific programming drives intentional attendance and is a very efficient use of staff time.

Our children's programming continues to be the most well-attended, including our Back in Time children's activities throughout the school year and our summer-long Passport to Summer Fun with accompanying drop-in activities. We had 301 children participate in Back in Time, 649 came to drop-in summer activities, and over 75 kids completed the Passport to Summer Fun program (meaning they completed at least nine challenges---we handed out over 250 passports total). We also showed five movies at the Elite Hall that 240 people attended. This is important because it introduces new audiences to the historic Elite Hall while providing visitation numbers that demonstrate support, which is essential to securing grants and donations for planned restoration work.

6 THE STATE PASSPORT

Collections



The Hyrum City Council and Museum Board reviewed and approved a comprehensive Collections Management Policy on February 1st. This is an extensive and important document that took an incredible number of staff hours and consultation to complete, but is a game-changer for ensuring that our collections are properly cared for, that we maintain public trust, and that we operate according to the highest professional, legal, and ethical standards. Additionally, the museum curator continued to participate in statewide collections work and trainings as a member of the Utah Division of Arts & Museums Utah Collections Preservation Team (UCP), a cohort of collections stewards across the state.





We completed final construction on our large secure storage area, and have moved most of the museum's collection into the space. New shelving, cabinets, pallets, and an art rack have all been installed to make certain that all artifacts are protected from the agents of deterioration. This storage room will have an important and long-lasting impact on the care of the museum's collections. Moving all of the collections into this space has also created the opportunity to build better storage housing, update records, and ensure that

we are excelling at professionally caring for our collections. The UCP also selected the Hyrum City Museum as the location for their hands-on workshop on September 5th and were able to show attendees the new storage room as an excellent example of proper collections care.

Special Projects

The museum advisory board and staff were particularly honored by our second opportunity to partner with the Utah Cold War Veterans Association to host a Utah Cold War Victory Medal pinning ceremony on September 12th for forty-two veterans in our community. The medal is awarded to veterans who served between Sept. 2, 1945 and Dec. 26, 1991 and recognizes their honorable service to our country. We are grateful for this continued partnership to honor local veterans and for Mountain Crest High School for providing the venue.

The museum received a \$3,000 grant from Utah Humanities to pay for transcription and exhibit development of a community oral history project called "Hyrum, my Hometown." Aiming to capture what gives Hyrum its "hometown" feel, seven people in two groups were interviewed about their experiences as life-long residents of Hyrum. The first group included Leon Savage, Zada Clawson, and Mary Sue Lundahl, who were all children in the 1940s and the second group consisted of siblings Nancy Allen and Craig Brown and their respective spouses Brent Allen and Gayla Brown. All four of them grew up in the 1950s and early 1960s. Many other candidates have been identified and we hope to continue collecting the histories of additional Hyrum citizens so we can preserve and share their stories.

The museum director also secured a \$20,000 matching grant from the Utah State Historic Preservation Office (SHPO) to make structural repairs and refinish the surface of the spring-loaded dance floor at the Elite Hall. Once completed, museum staff organized a

community dance party on November 9th to introduce the new floor to the community, with over 100 people attending and providing encouraging feedback. One person noted that we should, "hold a dance every week!" Others commented on how beautiful the floor looks. Hyrum resident Larry Johansen attended for a short time because he, "couldn't resist coming and seeing the shiny floor and watching everyone bounce on the dance floor." He tearfully recalled the time he met his wife at a dance there and was moved to see so many people still enjoying dancing on the remarkable floor.



The Utah Museums Association awarded its Public Service Award to Craig Rasmussen on October 9th at their annual conference, which was in Logan this year. Craig was recognized for rendering vital assistance and support to Utah's museum community while serving in a governmental capacity. Craig consistently goes above and beyond to support the staff and board of the museum in their efforts to fulfill the museum's mission to be a professional, sustainable resource for our community.









Hyrum Museum staff is very involved in national, state, and local boards and committees. Jami serves with the American Association of State and Local History, the Utah Museums Association, and Sema Hadithi. Courtney serves with the Cache Valley Historical Society, Bear River Heritage Area, Utah Museums Association, and the Conference of Intermountain Archivists (CIMA). Courtney received a \$500 travel grant from the Utah State Historical Records Advisory Board to attend CIMA and

present about our new collections policies and storage room as a model for others. Both staff members presented at conferences, attended professional development trainings, and were asked to present for large groups, which is tremendously beneficial because the staff is able to build relationships, increase professionalism, and improve efficiency.

Fundraising, Grants, and Awards

In its eleventh year, the museum's annual car show fundraiser, Hot Wheels in Hyrum, continues to be both a favorite community event and a very successful fundraiser. The museum netted nearly \$6,000, 125 cars registered, and 7 food vendors came. Based on food sales, we estimate that about 1500--2000 attended the event (this number is not included in any other visitation reporting).





We received a \$14,070 grant from the Utah Division of Arts

Utah Legislature Utah Division of Arts & Museums Arts wuseums

Conclusion

Overall, the museum hosted 4,238 total visitors during 2024. Special events and programming attracted 1,863 visitors, including a significant increase in field trips from several local schools and community groups. Additionally, the museum is followed by 1,346 people and reached 52, 531 people through Facebook and followed by 351 people and reached 2,149 people through Instagram.

Part of our regular procedure is to evaluate our exhibits and programming. The feedback we receive from visitors and community partners drives our future efforts and helps us meet our mission to create a sense of belonging while providing a relevant, long-lasting service to our community. One visitor noted, "We love the museum and having things to come do together. It helps us try new things!" Another said, "We love the opportunity to meet new people and have meaningful experiences in our community."

I am very pleased that our efforts are creating a sense of belonging, helping our visitors feel connected to the community, and effectively teaching many types of visitors. Looking ahead, with increasing visitors and the expressed community desire for the museum to be open more hours, I respectfully ask the City Council to seriously consider hiring a third employee, a Museum Educator. This position would manage the bulk of educational programming and be able to increase our outreach and connect with classrooms. Regardless, none of this would be possible without the Hyrum City Council, Mayor, administration, and advisory board members and I appreciate your continued support.

Thank You, Juni Yacofun Jami J. Van Huss Hyrum City Museum Director

ORDINANCE 25-01

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

WHEREAS, Title 17 of the Hyrum City Municipal Code is known as the Zoning Ordinance of Hyrum City and sets forth regulations governing land use within the municipal limits, including the establishment of zones, the boundaries of which are shown on the Zoning Map of Hyrum City; and

WHEREAS, Section 17.08.150 allows Title 17 of the Hyrum City Municipal Code, the Zoning Ordinance, including the Zoning Map, to be amended by the City Council following ten days' notice and a public hearing held by the Hyrum City Planning Commission; and

WHEREAS, Colter and Shantel Leishman is requesting a rezone of a portion of their property located at 165 East 200 North; and

WHEREAS, the parcel of property is 5.74 acres and is currently zoned Residential Agricultural (R-A); and

WHEREAS, Colter and Shantel Leishman's are requesting to rezone .96 acres to Single Family Residential (R-2) and the remaining 4.78 acres to Light Manufacturing (M-1); and

WHEREAS, the City Council, upon the recommendation of the Planning Commission, has determined there is a need to revise the Zoning Map of Hyrum City, Utah.

NOW, THEREFORE, following a public hearing by the Planning Commission on December 12, 2024 as required by Section 17.08.150, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING THE ZONING MAP OF HYRUM CITY, UTAH BY REZONING PROPERTY FROM RESIDENTIAL AGRICULTURAL (R-A) TO 4.78 ACRES LIGHT MANUFACTURING M-1, AND .96 ACRES TO SINGLE FAMILY RESIDENTIAL R-2 (COLTER AND SHANTEL LEISHMAN PROPERTY TAX ID #01-005-0009 AND #01-005-0003 LOCATED AT APPROXIMATELY 165 EAST 200 NORTH).

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

1. ZONING CHANGE. The following described real property located in Hyrum City, Cache County, Utah which is currently zoned Residential Agricultural (R-A), is hereby rezoned to Manufacturing (M-1):

PARCEL 01-005-0003 - INDUSTRIAL PARCEL (M-1)

A PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN ALSO A PART OF BLOCK 10, PLAT "C", HYRUM CITY SURVEY MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 10; RUNNING THENCE NORTH 88°11'03" WEST, ALONG THE SOUTH LINE OF SAID BLOCK 10 A DISTANCE OF 89.92 FEET; THENCE NORTH 01°48'57" EAST, A DISTANCE OF 120.00 FEET; THENCE NORTH 88°11'03" WEST, A DISTANCE OF 352.25 FEET TO A POINT ON THE WEST BANK OF THE HYRUM CANAL; THENCE RUNNING ALONG SAID WEST BANK THE FOLLOWING SIX (6) COURSES: (1) NORTH 21°12'15" WEST, A DISTANCE OF 0.78 FEET; (2) NORTH 28°27'51" WEST, A DISTANCE OF 23.60 FEET; (3) NORTH 17°50'49" WEST, A DISTANCE OF 27.13 FEET; (4) NORTH 06°30'46" EAST, A DISTANCE OF 36.32 FEET; (5) NORTH 30°40'28" EAST, A DISTANCE OF 23.73 FEET; (6) NORTH 20°48'10" EAST, A DISTANCE OF 27.13 FEET TO AN EXISTING BOUNDARY LINE AGREEMENT ENTRY NO. 1205452; THENCE NORTH 88°25'27" WEST, ALONG SAID BOUNDARY LINE AGREEMENT AND NORTH LINE OF THE KIM NIELSEN "MINI" SUBDIVISION A DISTANCE OF 218.55 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 10; THENCE NORTH 02°02'15" EAST, ALONG SAID WEST LINE A DISTANCE OF 220.89 FEET TO BOUNDARY LINE AGREEMENT ENTRY NO. 1216934; THENCE SOUTH 88°36'58" EAST, ALONG SAID BOUNDARY LINE AGREEMENT A DISTANCE OF 308.23 FEET; THENCE SOUTH 02°03'04" WEST, A DISTANCE OF 7.53 FEET; THENCE SOUTH 88°36'58" EAST, A DISTANCE OF 186.79 FEET; THENCE SOUTH 02°03'32" WEST, A DISTANCE OF 34.48 FEET; THENCE SOUTH 88°35'04" EAST, A DISTANCE OF 165.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 10; THENCE SOUTH 02°03'57" WEST, ALONG SAID EAST LINE A DISTANCE OF 432.15 FEET TO THE POINT OF BEGINNING. CONTAINING 4.78 ACRES.

2. ZONING CHANGE. The following described real property located in Hyrum City, Cache County, Utah which is currently zoned Residential Agricultural (R-A), is hereby rezoned to Single Family Residential (R-2):

PARCEL 01-005-0009 - RESIDENTIAL PARCEL (R-2)

A PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN ALSO A PART OF BLOCK 10, PLAT "C", HYRUM CITY SURVEY MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 10 LOCATED NORTH 88°11'03" WEST, A DISTANCE OF 89.92 FEET FROM THE SOUTHEAST CORNER OF SAID BLOCK 10; RUNNING THENCE NORTH 88°11'03" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 340.96 FEET TO THE WEST BANK OF THE HYRUM CANAL ; THENCE RUNNING ALONG SAID WEST BANK THE FOLLOWING SIX (6) COURSES: (1) NORTH 04°48'22" WEST, A DISTANCE OF 8.05 FEET; (2) NORTH 19°54'50" WEST, A DISTANCE OF 18.69 FEET; (3) NORTH 09°51'10" WEST, A DISTANCE OF 14.76 FEET; (4) NORTH 00°40'06" WEST, A DISTANCE OF 28.63 FEET; (5) NORTH 07°39'10" EAST, A DISTANCE OF 43.30 FEET; (6) NORTH 21°12'15" WEST, A DISTANCE OF 9.23 FEET; THENCE SOUTH 88°11'03" EAST, A DISTANCE OF 352.25 FEET; THENCE SOUTH 01°48'57" WEST, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.96 ACRES.

3. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

4. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance, the zoning map, or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

5. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

6. ADOPTION. This ordinance is hereby tabled by the Hyrum City Council this 6^{th} day of February, 2025.

HYRUM CITY

BY:

Stephanie Miller

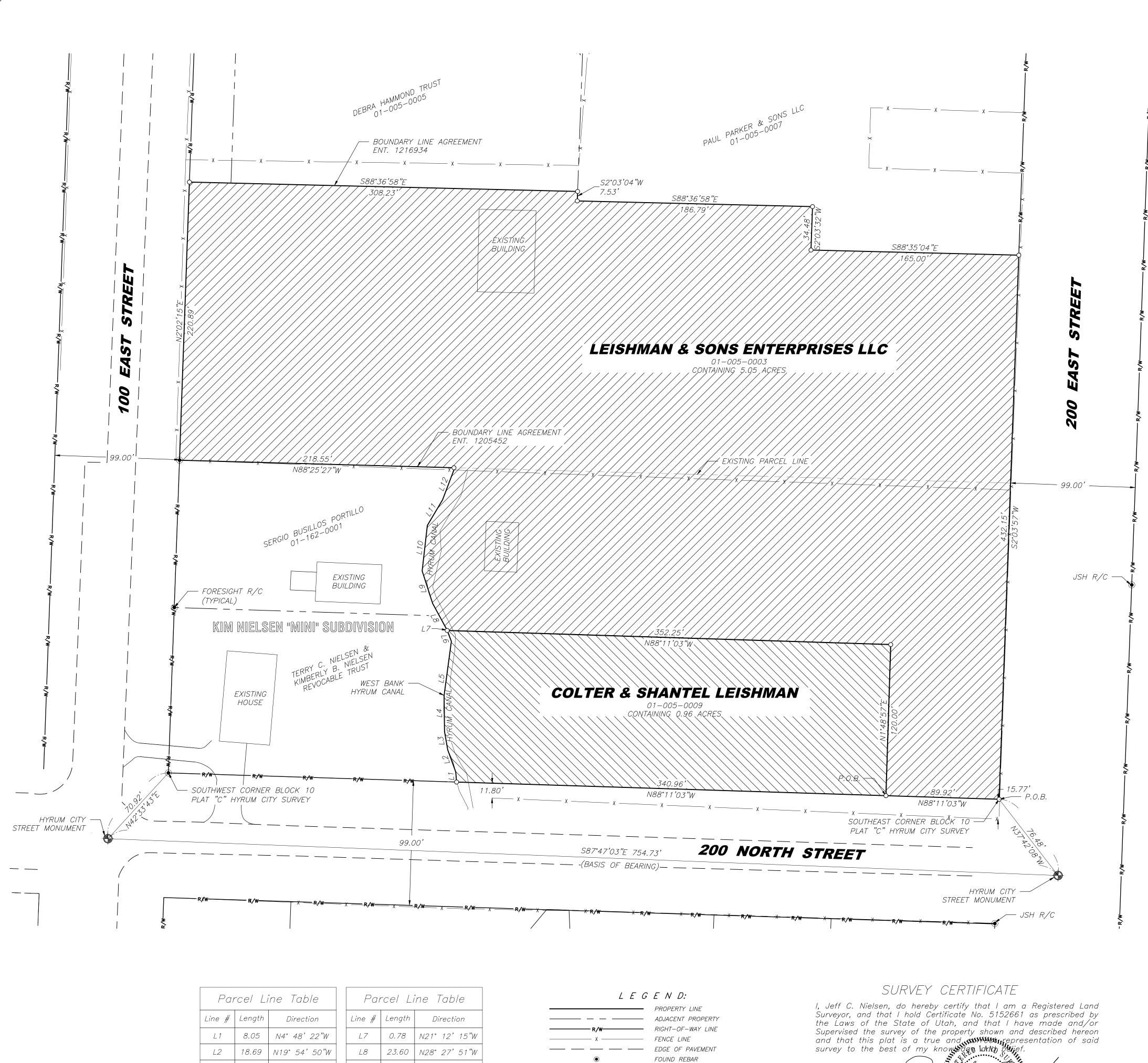
Mayor

ATTEST:

Stephanie Fricke City Recorder

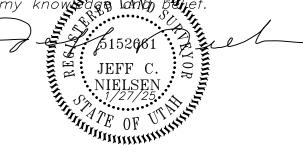
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POINT OF BEGINNING. CONTAINING 0.96 ACRES.

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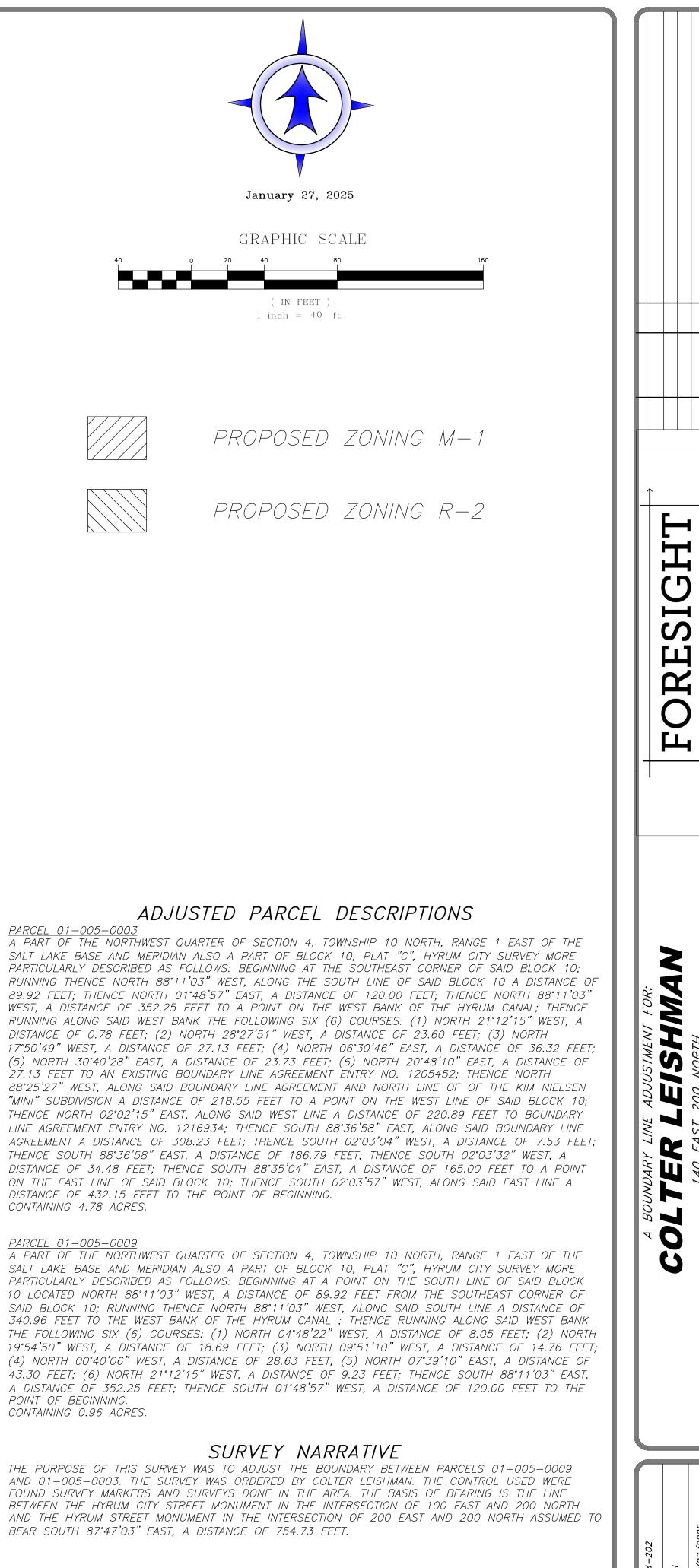
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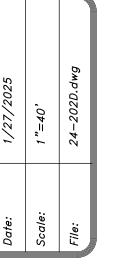
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UNDERGROUND POWERLINE CONSTRUCTION, TRANSFER AND OPERATION, MAINTENANCE AND REPAIR AGREEMENT

This Underground Powerline Construction, Transfer and Operation, Maintenance and Repair Agreement (this "Agreement") is made and entered into this _____day of January 2025 by and between the State of Utah, Division of Facilities Construction and Management, an agency of the State of Utah ("DFCM") and Hyrum City, a political subdivision of the State of Utah and municipal corporation ("Hyrum").

RECITALS

A. Hyrum owns and operates a municipal electric utility as Hyrum City Power & Light ("HCPL").

B. HCPL currently supplies power to Hardware Ranch, a <u>Utah State Parkwildlife</u> management area ("Hardware Ranch") operated by the Utah Department of Natural Resources <u>—</u> <u>Division of Wildlife Resources</u> ("DNRDWR") through an existing overhead power line (the "Overhead Line").

C. DFCM and Hyrum wish to replace the Overhead Line with an underground power line (the "Underground Line").

D. The route of the Underground Line will be from the HCPL power plant located on State Route 101 ("SR-101"), thence within the Utah Department of Transportation ("UDOT") Right-of-Way for SR-101 ("UDOT ROW"), crossing at designated points certain real property owned by Hyrum ("Hyrum Property"), and terminating at Hardware Ranch (the "Route").

A G R E E M E N T

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, DFCM and Hyrum agree as follows:

1. INCORPORATION OF RECITALS. The Recitals of this Agreement are incorporated in this Agreement.

2. **DEMOLITION OF OVERHEAD LINE.** DFCM will demolish and remove the Overhead Line at DFCM's expense. Hyrum will cooperate with DFCM to facilitate DFCM's demolishing and removal of the Overhead Line, as provided in Section 6, and including, but not limited to, granting DFCM access to any property owned or controlled by Hyrum in addition to the Hyrum Property where the Overhead Line is located.

3. CONSTRUCTION OF UNDERGROUND LINE. DFCM will construct the Underground Line along the Route at DFCM's expense. Hyrum hereby licenses DFCM to enter the Hyrum Property as convenient to construct the Underground Line.

4. TRANSFER OF UNDERGROUND LINE FROM DFCM TO HYRUM. Upon completion of the Underground Line, the Underground Line will become the property of Hyrum. At completion of the Underground Line, DFCM's rights against the contractor(s) that constructed the Underground Line under contract with DFCM shall be deemed assigned to Hyrum pursuant to Utah Code 78B-4-513(6) and such assignment shall effect a complete release by Hyrum against DFCM, <u>DNR-DWR</u> and the State of Utah for defective design or construction of the Underground Line. Completion of the Underground Line shall be deemed to have occurred when the Underground Line is permanently energized.

5. OPERATION, MAINTENANCE AND REPAIR OF UNDERGROUND LINE.

Upon completion of the Underground Line Hyrum shall own, operate, maintain and repair the Underground Line in perpetuity, and neither DFCM, <u>DNR-DWR</u> nor the State of Utah shall have any responsibility for the operation, maintenance and/or repair of the Underground Line, provided, however, that this Section shall not prohibit HCPL from charging for the electricity delivered to the Hardware Ranch through the Underground Line at HCPL's standard rate for residential customers.

6. **DUTY TO COOPERATE.** The demolishing and removal of the Overhead Line may require the permission of the U.S. Forest Service and other third parties owning property upon which the Overhead Line is located, and, in such event, DFCM and Hyrum shall cooperate to obtain such permission(s). The construction, operation, maintenance and repair of the Underground Line in the UDOT ROW and along the Route as contemplated by this Agreement will require the approval of UDOT and may require the permission of the U.S. Forest Service. DFCM and Hyrum will cooperate in connection with obtaining such UDOT approval and, if necessary, U.S. Forest Service permission.

DFCM

STATE OF UTAH DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT, an agency of the State of Utah

Date: January _____, 2025

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Andy Marr, Interim Director

APPROVED AS TO FORM /S/ Mike Kelley Assistant Attorney General

HYRUM

HYRUM CITY, a Utah municipal corporation

Date: January ____, 2025

By:_____

Stephanie Miller, Mayor