

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 19, 2018, AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Mayor Pro Tempore Craig L. Rasmussen

**ROLL CALL:** Councilmembers Steve Adams, Kathleen Bingham, Jared L. Clawson, Paul C. James, and Craig L. Rasmussen.

**EXCUSED:** Mayor Stephanie Miller

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

**OTHERS PRESENT:** City Administrator Ron Salvesen, and 21 citizens. City Recorder Stephanie Fricke recorded the minutes.

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

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tempore Rasmussen led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Councilmember Steve Adams

**APPROVAL OF MINUTES:**

The minutes of a regular City Council Meeting held on April 5, 2018 were approved as written

**ACTION** Councilmember Clawson made a motion to approve the minutes of a regular City Council Meeting held on April 5, 2018 as written. Councilmember Bingham 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 Clawson made a motion to approve the agenda for April 5, 2018 as amended by removing item 10.

**B. "Bret Bywater - To request site plan approval for expansion of Bywater Cabinets at 340 North 400 West." and item 10.E. "Jaci and Barbara Easton - To discuss a rezone at 350 East 300 North for a goat farm, milking parlor, and raw milk processing plant.". Councilmember James 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 Armor Storage LLC., Curtis G and Korene Trs. Knight, Armor Storage of Nibley, Hyrum Utah LLC, Jeffrey and Lynelle Trs. Hansen, Hyrum City Corporation, and Michael and Donna Larsen, and contact sponsor Jeff Nielsen, proposing the annexation of 44.22 acres more or less of real property, located between approximately Highway 165 to 550 East and 600 North to 4400 South.
10. SCHEDULED DELEGATIONS:
  - A. Karina Andlin Brown - To introduce herself and her candidacy for House District 5.
  - ~~B. Bret Bywater - To request site plan approval for expansion of Bywater's Cabinets at 340 North 400 West.~~
  - C. Scott Kendrick - To request site plan approval for storage units at 50 North 850 East.
  - D. Scott Nydegger - To discuss development options for his property at 230 North 800 East.
  - ~~E. Jaci and Barbara Eaton - To discuss a rezone at 350 East 300 North for a goat farm, milking parlor, and raw milk processing plant.~~
  - F. Martin Felix, Hyrum City's IPA Representative - To report on the Alternative Repowering of IPA and Fifth Amendment to IPA Organization Agreement.
11. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:
  - A. Resolution 18-08- A resolution setting cemetery lot fees, grave opening and closing fees, Saturday burial fees, and other miscellaneous Cemetery Fees.
  - B. Resolution 18-09 - A resolution amending Policies and Regulations for the Hyrum City Cemetery.
  - C. Ordinance 18-04 - An ordinance repealing and reenacting Chapter 12.20 Cemeteries of the Hyrum City Municipal Code.
  - D. Resolution 18-10 - A resolution renewing a Recycling

Market Development Zone Program.

- E. Resolution 18-11 - A resolution authorizing and approve the Carbon Free Power Sales Contract with Utah Associated Municipal Power Systems; the Initial Budget and Plan of Finance for the Project; and related matters.
12. OTHER BUSINESS:
    - A. Update on new fire station.
    - B. Consideration and support of the Transportation County Sales Tax.
    - C. SouthEast Annexation Agreements.
    - D. Budget Report.
    - E. Mayor and City Council reports.
  13. ADJOURNMENT

***PUBLIC COMMENT:***

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

Kenneth Allsop said he is helping Friend Weller with transferring Hyrum City's radio license to him. He spoke with Hyrum City's Attorney about the radio license transfer agreement and the City Attorney gave him the impression that it might be discussed by the City Council tonight. Since it is not on tonight's City Council Agenda he asked that the City notify Friend Weller when it is on the next City Council Agenda.

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

***PUBLIC HEARING:***

**TO RECEIVE PUBLIC COMMENT IN RESPONSE TO A PETITION FILED BY ARMOR STORAGE LLC., CURTIS G AND KORENE TRS. KNIGHT, ARMOR STORAGE OF NIBLEY, HYRUM UTAH LLC, JEFFREY AND LYNELLE TRS. HANSEN, HYRUM CITY CORPORATION, AND MICHAEL AND DONNA LARSEN, AND CONTACT SPONSOR JEFF NIELSEN, PROPOSING THE ANNEXATION OF 44.22 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED BETWEEN APPROXIMATELY HIGHWAY 165 TO 550 EAST AND 600 NORTH TO 4400 SOUTH.**

Mayor Pro Tempore Rasmussen said to receive public comment in response to a petition filed by Armor Storage LLC., Curtis G and Korene Trs. Knight, Armor Storage of Nibley, Hyrum Utah LLC, Jeffrey and Lynelle Trs. Hansen, Hyrum City Corporation, and Michael and Donna Larsen, and contact sponsor Jeff Nielsen, proposing the annexation of 44.22 acres more or less of real

property, located between approximately Highway 165 to 550 East and 600 North to 4400 South. The City accepted the petition by Resolution on February 1, 2018 and Certified the Annexation Petition on March 1, 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 did not receive a protest. The next step in annexation is for the City Council to hold a public hearing.

Mayor Pro Tempore Rasmussen called for a motion to open the public hearing.

**ACTION**            **Councilmember James made a motion to open the public hearing at 6:33 p.m. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

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

**ACTION**            **Councilmember James made a motion to close the public hearing at 6:34 p.m. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

***SCHEDULED DELEGATIONS:***

**KARINA ANDLIN BROWN - TO INTRODUCE HERSELF AND HER CANDIDACY FOR HOUSE DISTRICT 5.**

Karina Andlin Brown said she is running for Utah House District #5. She wants to get involved with local government and understand their concerns and problems. She is looking forward to serving the community and focusing on issues such as healthcare, education, the environment, and economic development. She is sponsoring a ballot initiative on expansion of Medicaid. She is a healthcare advocate and has made it her mission to fight for the people. If elected she wants to make a difference. She wants to understand what local governments needs and concerns are.

Councilmember James said one of the biggest concerns regarding the State Legislature is the unfunded mandates that are being required of local government. Small cities can not afford anymore unfunded mandates.

Councilmember Rasmussen said the number of bills that are addressed each year is outrageous and there is no way they can completely understand each piece of legislation when there are over 1,600 bills. He would like the legislature to limit the number of bills that can be introduced each year, so that the important issues can be addressed and there is the proper amount of time to study and fully understand the affects that the bill has on other legislation, other entities, etc.

Karina Andlin Brown passed out her business card and asked the City Council to contact her if they had any questions or would like to know her stance on any issues. She was looking forward to working with them if she is elected.

**SCOTT KENDRICK - TO REQUEST SITE PLAN APPROVAL FOR STORAGE UNITS AT 50 NORTH 850 EAST.**

City Administrator Ron Salvesen said the Planning Commission is recommending approval of the Site Plan for storage units at 50 North 850 East with the conditions that landscaping be installed as per City Code in phases when the units are built, and that chain link without slats be allowed.

Councilmember Clawson said this property is zoned Manufacturing and storage units are allowed. He is not in favor of storage units fronting main roads in Hyrum. This property does not front a main road and has commercial property on the west side of it and the east side of the property is bordered by a gravel pit. He feels this a good location for enclosed storage units as long as there is landscaping around the storage units.

Mayor Pro Tempore Rasmussen said the stormwater plan needs to be reviewed and approved by the City Engineer. There will need to be an infiltration system with stormwater oil separators.

Scott Kendrick said the storm water will run into underground pipes and then drain into a small stormwater retention pond on the north corner of the property, this area can also be used for excess snow in the winter time. There will be a fence that surrounds the property on all sides with one entrance/exit gate on the southside of the property.

Mayor Pro-Tempore Rasmussen said he understands the wind is an issue in that area and why slats in the fence was not being requested to be required. However, he wonders if there was another type of fence that would provide privacy. If privacy is provided

with landscaping he would expect a high berm with trees planted closely.

Councilmember James asked if there would be any open storage.

Scott Kendrick said Hyrum City ordinance does not allow for open storage of any kind. If the ordinance changes in the future then he would come back and ask for open storage.

**ACTION**

**Councilmember James made a motion to approve the Site Plan for Storage Units at 50 North 800 East with the recommendation from the Planning Commission that landscaping be installed as per City Code in phases when the units are built, for the City Engineer and City Staff to determine if there is a better way than slats if a fence to provide privacy, and for the City Engineer to approve the stormwater plan. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.**

**SCOTT NYDEGGER - TO DISCUSS DEVELOPMENT OPTIONS FOR HIS PROPERTY AT 230 NORTH 800 EAST.**

Scott Nydegger said he owns property at 230 North 800 East. His property is for sale and Jake Thompson had requested to build townhouses on the property but the City Council denied his request for a Planned Unit Development. The property has a large building with storage units on it and since the City Council no longer allows storage units in a commercial zone, he is unsure what he will do with the property. He asked the City Council if it would consider allowing the back of the property to be used for townhouses if he removes the storage unit building and keeps the front of the property for commercial businesses. He gave the City Council a sketch of his proposal.

Councilmember Bingham said she does like the front of the property being saved for commercial businesses, but she still is concerned about the noise and the dust from the gravel pit on the east side of the property. She would like the plan to include wind and noise breaks and there are still too many buildings. The number of buildings would have to be decreased.

Councilmember James said the City Council approved a 59 lot single family home subdivision just north of this property and there weren't concerns about noise or dust when the subdivision was

approved.

Councilmember Clawson said this is a better plan than the original one that Jake Thompson proposed, however, the roads need to be larger, there needs to be landscaping in front of the units, and there are too many units. He would prefer fiveplexes instead of sevenplexes and possibly eliminating one of the buildings.

Councilmember Rasmussen said he would recommend the access/exit to and from the property be wide enough for three lanes. This would help with traffic flow from the highway.

**MARTIN FELIX, HYRUM CITY'S IPA REPRESENTATIVE - TO REPORT ON THE ALTERNATIVE REPOWERING OF IPA AND FIFTH AMENDMENT TO IPA ORGANIZATION AGREEMENT.**

Martin Felix said IPA in the last several months has determined that the demand will not support the design capacity of the Gas Repowering currently provided in the contracts. It is in the best interest of the project to provide for reduced design capacity and alternative design configuration. Approval of the Alternative Repowering is critical. If the Alternative Repowering is not approved, IPA believes that the resulting obstacles to proceed with the existing Gas Repowering would be insurmountable. IPA is asking Hyrum City to approve two resolutions that support the Alternative Repowering of IPA and the Fifth Amendment to IPA Organization Agreement. These resolutions will be on the May 3, 2018 City Council Agenda for the City Council's consideration and approval.

***INTRODUCTION AND ADOPTION OF RESOLUTIONS AND AN ORDINANCE:***

**RESOLUTION 18-08- A RESOLUTION SETTING CEMETERY LOT FEES, GRAVE OPENING AND CLOSING FEES, SATURDAY BURIAL FEES, AND OTHER MISCELLANEOUS CEMETERY FEES.**

City Administrator Ron Salvesen said City Secretary Keesha Rinderknecht has researched cemetery fees that are charged by other cities, and is recommending increasing the fees to reflect the increased cost of burials and lot maintenance at the Hyrum City Cemetery.

**ACTION**

**Councilmember Clawson made a motion to approve Resolution 18-08 setting Cemetery Lot Fees, Grave Opening and Closing Fees, Saturday Burial Fees, and other Miscellaneous Cemetery Fees. Councilmember Adams**

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

**RESOLUTION 18-09 - A RESOLUTION AMENDING POLICIES AND REGULATIONS FOR THE HYRUM CITY CEMETERY.**

City Secretary Keesha Rinderknecht said she reviewed the Hyrum City Cemetery Policies and Regulations and is recommending amending the policies and regulations to reflect current practices and to allow for others.

Mayor Pro-Tempore Rasmussen said there are some inconsistencies with the Cemetery Policies and Regulations and Hyrum City's Ordinance Chapter 12.20 Cemeteries of the Hyrum City Municipal Code. He suggested the Cemetery Policies and Procedures be reviewed and amended to be consistent with Chapter 12.20.

**ACTION**

Councilmember James made a motion to approve Resolution 18-09 amending Policies and Regulations for the Hyrum City Cemetery and for any inconsistencies between the Policies and Regulations, and Chapter 12.20 Cemeteries of the Hyrum City Municipal Code be amended to reflect Chapter 12.20. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**ORDINANCE 18-04 - AN ORDINANCE REPEALING AND REENACTING CHAPTER 12.20 CEMETERIES OF THE HYRUM CITY MUNICIPAL CODE.**

**ACTION**

Councilmember James made a motion to adopt Ordinance 18-04 repealing and reenacting Chapter 12.20 Cemeteries of the Hyrum City Municipal Code. Councilmember Adams seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**RESOLUTION 18-10 - A RESOLUTION RENEWING A RECYCLING MARKET DEVELOPMENT ZONE PROGRAM.**

City Administrator Ron Salvesen said this Resolution needs to be renewed again. Approval of the Recycling Market Development Zone Program makes it possible for certain businesses involved in recycling to get tax credits. At this point only Mountain Fiber



Insulation is taking advantage of this credit.

**ACTION** Councilmember James made a motion to approve Resolution 18-10 renewing a Recycling Market Development Zone Program. Councilmember Clawson seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

**RESOLUTION 18-11 - A RESOLUTION AUTHORIZING AND APPROVE THE CARBON FREE POWER SALES CONTRACT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; THE INITIAL BUDGET AND PLAN OF FINANCE FOR THE PROJECT; AND RELATED MATTERS.**

Nate Hardy from UAMPS explained Resolution 18-11 authorizing and approving the Carbon Free Power Project Sales Contract with Utah Associated Municipal Power Systems; the Initial Budget and Plan of Finance for the Project; and related matters. UAMPS is proposing to acquire and construct a nuclear generating facility plant that will be known as Carbon Free Power Project and will be located in Idaho Falls, Idaho. This resolution is necessary in order for Hyrum City to participate in the Carbon Free Power Project. This resolution will authorize and approve the Power Sales Contract with UAMPS.

City Administrator Ron Salvesen said Hyrum City's attorney has not given Hyrum City an opinion on this Resolution and the Power Sales Contract.

**ACTION** Councilmember James made a motion to approve Resolution 18-11 authorizing and approving the Carbon Free Power Sales Contract with Utah Associated Municipal Power Systems; the Initial Budget and Plan of Finance for the Project; and related matters with the condition that Hyrum City Attorney approves of this Resolution and contract. Councilmember Bingham seconded the motion and Councilmembers Adams, Bingham, Clawson, James, and Rasmussen voted aye. The motion passed.

***OTHER BUSINESS:***

**UPDATE ON NEW FIRE STATION.**

City Administrator Ron Salvesen said he has met with Raymond Construction and to DWA. They are both reworking their numbers to see what they can do. Prices are changing regularly on construction costs so we will need to make a decision soon. He is not comfortable

recommending spending over a million dollars for the garage only so he is looking at the other proposals. The Fire Station Committee would like to get the garage built this year and then move the equipment out of the old building. After that the City could demolish the old building and start on the administration building this fall thru next spring. The EVG building as proposed by DWA could cost a substantial amount more and would be a basic building, where a metal building as proposed by Raymond Construction could save the City a couple hundred thousand dollars.

Councilmember Clawson said he would prefer the City look further into the EVG building. He likes the looks and feels that it is a better built building than a metal building would be.

Councilmember Rasmussen said he would prefer the EVG building also. He has worked with that type of systems and if the City rebid the project with it designed, the EVG building would most likely come in at a lower price than what was originally bid by DWA.

#### **CONSIDERATION AND SUPPORT OF THE TRANSPORTATION COUNTY SALES TAX.**

City Administrator Ron Salvesen said the State this last session authorized a one-half cent sales tax that can be used for transportation expenses. This tax can be implemented by the county by ordinance. Cache County is planning to do so soon, but is asking for a letter of support from the cities and towns in Cache County. If implemented it will amount to about 25% of what our class C money is now (estimated about \$83,000 more a year). This money is definitely needed. Roads will always be a big expense in the general fund and will be a challenge to stay ahead of the needs.

#### **ACTION**

**Councilmember James made a motion for the City to submit a letter of support for Cache County to implement the Transportation County Sales Tax. Councilmember Adams seconded the motion**

**Councilmember Rasmussen recommending amending the motion that the letter of support include a statement that Hyrum City's support for the Transportation County Sales Tax is contingent upon the County reducing the transit districts sales tax to 10% or as low as possible. Councilmember James and Adams accepted Councilmember's Rasmussen's amendment and Councilmembers Adams, Bingham, James, and Rasmussen voted aye, and Councilmember Clawson voted nay. The motion passed.**

**SOUTHEAST ANNEXATION AGREEMENTS.**

City Recorder Stephanie Fricke said the next step in the SouthEast Annexation is to prepare an annexation agreement for the properties included in the SouthEast Annexation. The Annexation Agreements can be different for each property. The Annexation Agreements usually include a statement about water being required upon annexation or development. All of the property owner's in this annexation are requesting water be submitted upon development. There are standard statements on extension of utility lines and development of property. Also zoning of the property will be determined in the Ordinance annexing the property.

Councilmember Rasmussen said he would like minor roads to be shown and addressed in the annexation agreement and a statement that all existing roads will need to be improved to Hyrum City's standards upon development of adjacent property.

The City Council discussed including a statement that requires extension of all utilities be to the end of the property. That larger lots or zoning of larger lots such as a half an acre to one acre lots may be required along Agricultural Protection Zone areas. That this area is located next to a mink ranch and that there will be odors and flies and other uses associated with agricultural uses.

**BUDGET REPORT.**

City Administrator Ron Salvesen said sales taxes, energy & use taxes, and all building fees are running well ahead of projections. Sale of fixed assets is higher because we traded in the used front-end loader for a new loader and we also received \$20,000 back. Expenditures are generally running below what was budgeted. The exceptions are Planning Commission (off set by fees received from developers), fire department (offset by labor and equipment grants), & road department (front end loader trade in & part of 300 South construction pushed from last year to this year, developers piggybacked on city projects for slurry seal projects we were doing). Water Fund Revenues are well ahead of estimated levels. Mostly from increased impact and new connection fees. Expenses are a little ahead but when you factor in the upfront construction and equipment projects we are within budget projections. We have had to expend more overtime in this department because of a number of after hour water leaks and night time construction projects. Part of the Highway 101 & Highway 165 project got pushed from last years budget to this year because of

construction schedules. Sewer Fund Revenues are ahead of estimates because of impact fees. Expenses are in line with projections. The expenses will spike up in the next few months with the Wyoming plant additions. Electric Fund Revenues are on schedule with budgeted projections. Expenditures overall are within projections but ahead of what this year's budget shows because part of the current construction was approved in last year's budget but is not being accomplished until the current year. We will need to do a budget adjustment to balance this. Irrigation Fund Revenues are on schedule. Expenses overall are on track. It looks way over budget because the Little Feeder Pump Station was put in last year's budget but not accomplished until the current budget. We will need to do a budget adjustment to balance this. Storm Water Fund Revenues are on schedule. The Anderson Avenue project brought a whole lot of challenges when they got started. Once they were into it they had to finish it right. There were utility issues and the road crossing with Panoramic & Park brought several unexpected challenges. Our storm water fund just does not bring in very much revenue for the scope of the projects we are facing.

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Rasmussen said Cache County has implanted new rules and guidelines for community booths. The booths are no longer required to use grains and beans. Advertising for Hot Dogs and Hot Wheels is beginning and should help with attendance. There will be raffle prizes like the past few years.

Councilmember James said Chad Jensen is taking over the Hyrum Hornets, and he is excited about being the coach.

**ADJOURNMENT:**

**ACTION**                    **There being no further business before the City Council,  
the Council Meeting adjourned at 9:35 p.m.**

---

Stephanie Miller  
Mayor

ATTEST:

---

Stephanie Fricke  
City Recorder