

**NOTICE OF PUBLIC HEARING AND REGULAR MEETING TO BE HELD IN PUBLIC AND
CLOSED SESSION
OF THE EPHRAIM CITY COUNCIL
WEDNESDAY, JANUARY 4, 2006
6:30 PM
EPHRAIM CITY BUILDING
5 S. MAIN
EPHRAIM, UT 84627**

Except as noted above, times for agenda items are approximate and may be changed as circumstances require. Agenda items may or may not be discussed in the order they are listed. Interested members of the general public are encouraged to remain in attendance for the duration of the meeting in the event discussion of an agenda item begins earlier than listed.

PUBLIC HEARING

6:30 PM Public Hearing for the purpose of discussing the CIB Grant Application for the Ephraim City Water Master Plan.

AGENDA

7:00 PM Call to Order
 Approval of Minutes
 Approval of Warrant Register

7:10 PM Public Comment Period

7:15 PM 1. FYE 2005 Audit

7:20 PM 2. Durke Gordon –Sale of Property

7:30 PM 3. Spencer Dyches, Wayne Peterson
 Water Connections


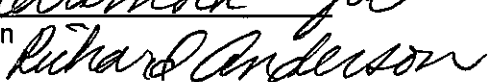
7:45 PM 4. Discussion of Commercial Subdivision Fence

8:00 PM 5. Resolution – Donation to Chamber

8:10 PM 6. Discussion of Utility Board Names
 Reports and Unfinished Business

ADJOURN

I, Richard Anderson, being the duly appointed and acting City Recorder do hereby certify that this agenda was posted according to law on January 3, 2006.


E. Richard Anderson 

Note: The Council may vote to discuss certain matters in Closed Session pursuant to Utah Code annotated 52-4-5. This facility is wheelchair accessible and handicap parking spaces are available. Request for accommodations and interpretive services must be made three (3) working days prior to the meeting. Please contact the city office at 283-4631 ext 214 for information or assistance.

From time to time, matters are discussed by the City Council that do not appear on the posted agenda. Items that require/request action taken by the City Council will appear in the Action Items Column of each posted agenda. Items for the Council agenda must be submitted to the City Recorder's office by the Friday prior to the Council meeting. Items submitted as Action Items should be accompanied by any and all supporting written documentation when an audience with the Council is requested. Without such documentation, the recorder reserves the right to postpone the hearing of any item until such documentation has been submitted.

Date Posted: January 3, 2006
Time Posted: 12:00 PM
Posted by: Leigh Ann Warnock

**EPHRAIM CITY COUNCIL MEETING
EPHRAIM CITY BUILDING
5 S. MAIN
WEDNESDAY, JANUARY 4, 2006
7:00 PM**

MEMBERS PRESENT

Cliff Birrell, Mayor
Garth Sorenson, Mayor Pro Tem
Jannette Anderson
Kim Cragun
Penny Kittelsrud
Elaine Reid

OTHERS PRESENT

Richard Anderson, City Mgr/Recorder
Bryan Kimball, City Planner
Leigh Ann Warnock

PUBLIC HEARING

Mayor Birrell called the meeting to order at 6:40 PM. Councilmember Cragun conducted the Public Hearing and turned the floor over to City Planner, Bryan Kimball to explain what the CIB grant will be for.

City Planner, Bryan Kimball, explained the need for a Water Master Plan. A Master Plan will provide a document that identifies our water sources, the volume and water rights. It will give us a method of determining the impact new residential areas will have on the water supply and whether we have adequate pressure for new developments, etc. The Master Plan will show which areas of the City can grow without improvements to the infrastructure, and which areas will need improvement.

John Hales from the Messenger asked the amount of the grant. The application will be for \$32,000, however based on the CIB's history, \$20,000 is expected to be granted. Nolte would be the engineer for the project and Mr. Kimball's work with Nolte would absorb most of the extra \$12,000. Nolte would absorb whatever was left.

PUBLIC SESSION

Mayor Birrell called the meeting to order at 7:00 PM. Councilmember Sorenson was called upon to offer an opening prayer. Councilmember Reid led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Council reviewed the minutes of the December 7, 2005 City Council meeting.

Councilmember Cragun moved to approve the minutes of the December 7, 2005 City Council meeting with corrections. Seconded by Councilmember Anderson. The vote was unanimous. The motion passed.

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of January 4, 2006.

Councilmember Sorenson moved to approve the warrant register of January 4, 2006. Seconded by Councilmember Kittelsrud. The vote was unanimous. The motion passed.

PUBLIC COMMENT PERIOD

Theresa Alder addressed the Council regarding a lost real estate sale that she believes was affected by a decision made by the City. Mrs. Alder's client wished to purchase the lot on the SW corner of 400 S. and Main Street. This lot abuts a narrow lane on the north side that would, by City ordinance standards, need to be widened at the expense of the property owner to accommodate commercial traffic. This makes the lot too small for the prospective buyer's business, in addition to the added expense of improving the road.

Mrs. Alder was concerned that these requirements were not being enforced on the rest of 400 S. and elsewhere in the City, but was assured by the Council that they are. Mrs. Alder stressed the need for the Council to reevaluate this decision and perhaps make an exception for this particular buyer in view of money already lost in their dealings regarding this piece of property. The Council will hold a work meeting to discuss this issue and it will appear on the agenda for the next Council Meeting.

FYE 2005 AUDIT

Clyde Jones and Russell Olsen from Larsen & Company were present to report on the 2005 audit.

Mr. Jones went over the Basic Financial Statements and explained the new format required by GASB 34.

Mr. Olsen presented the Auditor's Report. No material weaknesses were found. The auditors have to make sure the City's money is spent as intended, in compliance with the law. There were no findings in this area.

Mr. Olsen went over the findings in the Management Letter.

INTERNAL CONTROL AND ACCOUNTING

1. Sales Tax Calculation - There was a small error in the sales tax calculation in June which resulted in customers being slightly undercharged for sales tax. The City was encouraged to double check the calculation each time the rates change. This error was caught and fixed before the July billing.

STATE COMPLIANCE

1. Budgeted Revenues - Budgeted revenues for property taxes do not equal budgeted revenues for property taxes in the City's adopted budget as required by law; however, the City did not receive information on the certified tax rate from the County in time to reflect that information in the original budget submitted to the state.

2. Deficit Fund Balance - A deficit equity balance existed in the Redevelopment Agency Fund. State law prohibits deficit equity balances. The nature of Redevelopment Agencies prevents municipalities from avoiding deficit fund balances.

Mr. Olsen then reviewed the findings in the 2004 Audit and reported that of the 11 findings in last years' audit, none were present in the 2006 audit; all had been corrected. Mayor Birrell thanked City Accountant, Jayci Madsen, for all her hard work and acknowledged that she was responsible for the excellent report.

Morris Casperson was present to answer any questions that might arise, and commented that he was very pleased that the past issues had been resolved. Mayor Birrell thanked everyone involved for the tremendous amount of work that has been done in this area; the City has come a long way.

DURKE GORDON – SALE OF PROPERTY

Durke Gordon owns property next to the Power Station over which run some high power lines. The Power Department would like to own that piece of property in order to more easily maintain and service those lines. Mr. Gordon was originally planning to erect a building in that location, but can see the value in the City owning it and has proposed a trade. The City owns property along the West side of Canyon Road. Mr. Gordon's proposal is to trade his property for this strip of land, on which he has offered to excavate, prepare, and lay road base in preparation for the City's planned walking trail. The City would be responsible for laying the asphalt. He suggested an 8' trail with a 10' easement for the City to maintain and service the trail. Ben Gordon was approached earlier about

the trail continuing through his property and is in agreement with the proposal.

Councilmember Anderson brought up the question of liability, and after some discussion it was agreed that the actual walking trail remain the property of the City so that it would fall under the umbrella insurance policy owned by the City. Restrictions and signage would be required in order to control the use of the trail.

Councilmember Cragun asked about an appraisal, the cost of which could be higher than the property itself. Richard Anderson suggested that with two or three such appraisals currently needed, perhaps they could all be done at the same time in order to reduce costs.

SPENCER DYCHES, WAYNE PETERSON – WATER CONNECTIONS

Mr. Dyches and Mr. Peterson addressed the council regarding City water hookups on land owned by Mr. Peterson. Mr. Dyches would like to begin building a home on this property. Gary Ray agreed to transfer one of his approved water connections to Mr. Dykes. The Council felt this was an equitable agreement.

DISCUSSION OF COMMERCIAL SUBDIVISION FENCE

Ephraim City Ordinance states that commercial property must be separated from residential areas. A decision was made by the City to put a fence around the Commercial Subdivision at a cost of \$40,000, which is the amount budgeted for the project. A number of options for the fence have previously been discussed and presented to the Council, with a particular type selected. It was then decided to let Darin Cummings give his input into the decision of the color and style of the selected fence. Mr. Cummings has concerns about the selected fence and presented the Council with pictures of similar fences that are worn and cracked. He has also written a letter stating the reasons he feels this particular fence is not appropriate for the Commercial Subdivision.

Mr. Cummings proposed that the Council revisit the issue with the hopeful outcome being an upgraded fence. This issue was tabled and will be discussed further at a work meeting.

RESOLUTION – DONATION TO EPHRAIM CHAMBER OF COMMERCE

Resolution ECR 05-12, Donation to Ephraim City Chamber of Commerce as referenced in the December 7, 2005 Council minutes, has been changed to ECR 06-01, as it will be adopted in 2006.

Councilmember Cragun moved to adopt Resolution ECR 06-01, Donation to Ephraim Chamber of Commerce, in exchange for the

Chamber's services in economic development. Seconded by Councilmember Sorenson. The vote was unanimous. The motion passed.

DISCUSSION OF UTILITY BOARD NAMES

Tabled until the next work meeting.

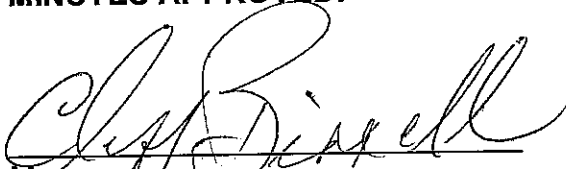
UNFINISHED BUSINESS

Richard Anderson asked for a Work Session in order to go through the details of the 400 South and commercial subdivision fence issues. He also reminded the Council of finding a time to hold a focus meeting.


ADJOURN

Councilmember Sorenson moved to adjourn. Seconded by Councilmember Anderson. The vote was unanimous. The motion passed.

MINUTES APPROVED:

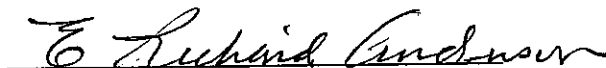


Mayor

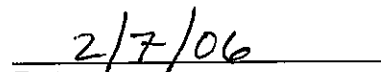


Date

ATTEST:



City Recorder



Date