

**MINUTES OF THE EPHRAIM CITY COUNCIL MEETING
EPHRAIM CITY BUILDING
5 S. MAIN
WEDNESDAY, MARCH 16, 2011
7:00 PM**

The Ephraim City Council convened in a regular meeting on Wednesday, March 16, 2011, at 7:00 p.m. in the Ephraim City Council Room.

MEMBERS PRESENT

David Parrish, Mayor
Kim Cragun, Mayor Pro Tem
Greg Dart
Terry Lund
Don Olson
Richard Squire

STAFF PRESENT

Bryan Kimball, City Planner
Leigh Ann Warnock, City Recorder

STAFF ABSENT

Regan Bolli
Ron Rasmussen

OTHERS IN ATTENDANCE

See attached.

Mayor Parrish called the meeting to order at 7:00 p.m. Councilmember Cragun offered a thought. Councilmember Lund led the audience in the Pledge of Allegiance.

PUBLIC SESSION

APPROVAL OF MINUTES

The Council reviewed the minutes of the March 2, 2011 City Council work meeting.

Councilmember Cragun moved to approve the minutes of the March 2, 2011 City Council work meeting as presented. The motion was seconded by Councilmember Squire. A roll call vote was taken: voting "yes" Councilmembers Dart, Lund, Olson, Cragun, and Squire. The vote was unanimous. The motion carried.

The Council reviewed the minutes of the March 2, 2011 City Council meeting.

Councilmember Squire moved to approve the minutes of the March 2, 2011 City Council meeting as presented. The motion was seconded by Councilmember Lund. A roll call vote was taken: voting "yes" Councilmembers Dart, Lund, Olson, Cragun, and Squire. The vote was unanimous. The motion carried.

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of March 14, 2011.

Councilmember Olson moved to approve the warrant register of March 14, 2011 as presented with the addition of the check for the Housing Authority. The motion was seconded by Councilmember Squire. A roll call vote was taken: voting “yes” Councilmembers Dart, Lund, Olson, Cragun, and Squire. The vote was unanimous. The motion carried.

PUBLIC COMMENT

Representative Wright passed out a pre-legislative survey for the audience to peruse. Representative Wright reviewed with the Council what was in the survey and other issues currently being discussed. He mentioned that Utah is one of the highest states ranked for being able to manage their budget.

PUBLIC HEARING

Mayor Parrish called the Public Hearing to order at 7:15 p.m. This public hearing is for the purpose of receiving comment regarding a possible upcoming all-night outdoor event at the ball fields. When the ball park was built, a verbal agreement was made that the lights would go off at 11:00 p.m. on weeknights and midnight on weekends. Last year, with the approval of the Council, an all-night baseball tournament was held as a fund raiser to help a member in our community. The group sponsoring the tournament, Sanpete Gives Back, would like to hold another one each year to benefit someone in the community. Some neighbors of the ball field have commented that it is unpleasant to have an all-night event and this public hearing lets all share their feelings.

Fifteen members of the community stood to share their views regarding an all-night baseball tournament. Three members of the community were not in favor of an all-night tournament, Debra Dyreng, and Brent and Nadine Peterson, citing reasons including noise, parking issues, bright lights all night, and garbage, etc.

The rest of those who spoke, Karl Nielson, Erin Madsen, Gary Anderson, Gwenaley Hardy, Amberly Rhodes, Rachel Hermansen, Abraham Hundepool, Cole Young, Charlie Huffman, Chad Thompson, Phil Murray, and Ashley Jensen, felt the all-night tournament would be beneficial to all concerned, whether those participating, the City because of economic stimulation, or the family it would be helping. It would be a rewarding experience for those participating to know they were helping a family in need as well as enjoying the tournament. It was reiterated, however, that policing and enforcement would need to be increased.

Mayor Parrish thanked all who participated in the public hearing.

Councilmember Dart moved to close the public hearing. The motion was seconded by Councilmember Cragun. The vote was unanimous. The motion carried.

OPEN MEETING

REVIEW OF HOUSE BILL 477 REGARDING GRAMA

John Hales is the Sanpete County Team Captain of Keep Utah Open. He asked to be on the agenda to talk about HB 477, a piece of legislation that was passed this last session. It is Mr. Hale's opinion that HB 477 eviscerates Utah's open records policy. He had a discussion with Representative Wright who was a co-sponsor of this bill. Every republican voted for it. After some amending, 15 legislators said no. There was outcry from some legislators saying it should be recalled. Carl Wimmer would like to see it repealed. Mr. Hales asked for the council's backing and is going throughout the county garnishing support for repeal. There has been an effort to put this on November's ballot to let the people, the public, decide how public the government should be.

In 1991 GRAMA (Government Records Access Management Act) was established in an effort to balance competing interests over who has access to government records. Mr. Hales stated it is the people's information, and government officials have forgotten that. There is a constitutional right to privacy but also a constitutional right for the public to know. These two rights need to be balanced. In 1991 the presumption was on openness. All things being equal it should be public. This was affirmed in state courts including the Utah Supreme Court. That is all wiped out and reversed in HB 477. GRAMA already says a record does not mean a personal note or personal communication. Government entities can already charge fees to produce or reproduce public records. HB 477 re-works the fee structure making it much more difficult for the public to get those records. Under the bill, government business will not be public. It says in order to be considered a record it must be readily reproducible. Mr. Hales stated GRAMA absolutely needs to be updated, but there was no discussion before the bill was presented.

Mr. Hales received petitions to put HB 477 on the ballot in November. He is looking for signatures, volunteers, and as much as is appropriate, to say he has the backing of the Ephraim City Council. Sanpete477@gmail.com is the e-mail to contact if any are interested in this effort.

Mayor Parrish expressed his view that as a government entity, we are entrusted and have a duty to keep things as open as possible when dealing with the business of this community and this state.

REPORT ON EPHRAIM CITY WATER QUALITY

Public Works Director Chad Parry reported on the City's Water Quality Test. The State test water systems every four years to go through everything thoroughly to approve or unapprove a municipality's water system. In 1986 several of Ephraim's springs were not approved and the system was unapproved. The City had a population of 2,800 at that time. This year, with a population of over 6,000, the system was not only approved, but received a perfect score.

Planner Bryan Kimball commented that it is quite an achievement to receive a score like that. It is very hard to do and is very rarely achieved.

Municipalities also have to pass an annual CCR quality report which is then posted in the newspaper. Posted test results list all findings and Ephraim City had none. Chad said he is very proud of everyone who has worked so hard on this.

He also reported that Terry Dunigan is retiring. He has worked full time for the City for 30 years. He has been a hard worker and a great asset to Ephraim City.

APPROVAL OF LAWN MAINTENANCE EQUIPMENT BID

Chad Parry presented a proposal for the purchase of two lawn mowers to be used for ground maintenance. Four bids were received, with Gunnison Implement coming in \$2,000 less than the next lowest bidder (\$20,999 for both mowers and both decks) for the exact same equipment. Both machines are walkers with baggers, one with 48” blade the other with 42”.

Councilmember Squire moved to approve the purchase of two mowers from Gunnison Implement for \$20,999. The motion was seconded by Councilmember Lund. A roll call vote was taken: voting “yes” Councilmembers Dart, Lund, Olson, Cragun, and Squire. The vote was unanimous. The motion carried.

DECISION ON ECR 11-01 – SPECIAL EVENTS RESOLUTION

Much discussion ensued regarding the wording of the resolution. It was determined the tournament could be approved for this year without having the resolution ready first.

Councilmember Dart moved to allow Sanpete Gives Back to sponsor a benefit all-night baseball tournament to be scheduled on May 20th and 21st, 2011. The City curfew, and any light and noise ordinances will be waived for the night of May 20th. The motion was seconded by Councilmember Squire. A roll call vote was taken: voting “yes” Councilmembers Dart, Lund, Olson, and Squire. Voting “no” Councilmember Cragun. The vote passed four to one. The motion carried.

Every effort will be made to accommodate neighbors, and the police force will be briefed on suggestions made for parking and enforcement issues in order to make this the least intrusive on neighbors as possible.

Councilmember Dart moved to table approval of ECR 11-01 until it can be re-written. The motion was seconded by Councilmember Olson. A roll call vote was taken: voting “yes” Councilmembers Dart, Lund, Olson, Cragun, and Squire. The vote was unanimous. The motion carried.

APPROVAL OF CONSTRUCTION OF NEW AIRPORT HANGAR

Tom Bailey would like to build a hangar for a jet. This has been approved by the Airport Board and the FAA. Construction would require a real lining of fence and moving of the gate. Mr. Bailey would incur the costs of those things and donate the foundation and hookups for a future pilot’s lounge. A future lounge would run approximately \$12-15,000 and Mr. Bailey’s contribution would make it possible.

Councilmember Dart moved to approve construction of the Bailey Hangar at the Manti-Ephraim Airport with the above conditions. The motion was seconded by Councilmember Olson. A roll call vote was taken: voting “yes” Councilmembers Dart, Lund, Olson, Cragun, and Squire. The vote was unanimous. The motion carried.

DISCUSSION AND DECISION ON MOVING THE SECOND COUNCIL MEETING IN APRIL

Due to busy schedules, The April 20th and May 4th Council meetings will be cancelled with a meeting set for April 27th to approve the 2011-2012 Budget. The meeting changes will be noted in the paper.

COUNCIL REPORTS AND UNFINISHED BUSINESS

Greg Dart—the legislative session has ended. Snow College was approved to bond for a new housing project that will bring 386 new beds online and that construction work will begin as early as May.

Bryan Kimball

Planning and Zoning—a new four-plex is coming on line as well as some new apartments.

Councilmember Lund moved the Council adjourn into a closed session pursuant to the provisions of sections 52-4-205(a) for the purpose of discussing the character, professional competence, or physical or mental health of an individual. The motion was seconded by Councilmember Olson. The vote was unanimous. The motion carried.

Councilmember Lund moved the Council adjourn the closed session and reopen the public meeting. The motion was seconded by Councilmember Olson. The vote was unanimous. The motion carried.

ADJOURN

There being no further business to come before the Council for consideration, Councilmember Olson moved the meeting adjourn. The motion was seconded by Councilmember Cragun. The vote was unanimous. The motion carried.

The next meeting is scheduled to be held on April 6, 2011, starting at 7:00 p.m. in the Ephraim City Council room.

MINUTES APPROVED:

Mayor

Date

ATTEST:

City Recorder

Date