

**MINUTES OF THE EPHRAIM CITY COUNCIL MEETING  
EPHRAIM CITY BUILDING  
5 S. MAIN  
WEDNESDAY, SEPTEMBER 20, 2006  
7:00 PM**

**MEMBERS PRESENT**

Cliff Birrell, Mayor  
Kim Cragun, Mayor Pro Tem  
Jannette Anderson  
Penny Kittelsrud  
Elaine Reid  
David Warren

**OTHERS PRESENT**

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

Mayor Birrell called the meeting to order at 7:18 PM. City Manager Richard Anderson read a thought. Brian Baker led the audience in the Pledge of Allegiance.

**PUBLIC SESSION**

**APPROVAL OF MINUTES**

The Council reviewed the minutes of the September 9, 2006 City Council meeting.

**Councilmember Reid moved to approve the minutes of the September 9, 2006 City Council meeting with corrections. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion passed.**

**APPROVAL OF WARRANT REGISTER**

The Council reviewed the Warrant Register of September 19, 2006.

**Councilmember Warren moved to approve the warrant register of September 19, 2006. The motion was seconded by Councilmember Kittelsrud. The vote was unanimous. The motion passed.**

**LORI SHAFFER – C.U.P. FOR DAY CARE**

Mrs. Shaffer was asked to explain to the Council the requirements from the state for running a day care. Eleven children are allowed per adult, but she only plans to have seven. The Planning and Zoning Commission has recommended approval of the day care.

**Councilmember Anderson moved to grant the C.U.P. application for Lori Shaffer to run a day care from her home. Councilmember Cragun seconded the motion. The vote was unanimous. The motion passed.**

#### **BROOKE GORDON – C.U.P. FOR DANCE STUDIO**

The Planning Commission voted to recommend approval of this C.U.P. with the stipulation that reapplication be made within one year to ensure there has been no adverse effect on the neighborhood. Planner Bryan Kimball's biggest concerns are noise and traffic. Class sizes should be limited with enough time between classes to allow for smooth traffic flow. Mr. Kimball feels 15 minutes would be an adequate amount of time between classes. No recitals should be held at the home because of inadequate parking, and the volume of the music should be kept at a reasonable level. If complaints are received from any two neighbors, the application will be reconsidered.

**Councilmember Cragun moved to accept the Planning and Zoning Commission's recommendation for approval of a C.U.P. for Brooke Gordon to run a dance studio out of her home. Councilmember Warren seconded the motion. The vote was unanimous. The motion passed.**

#### **C.U.P. – BAKER'S DAY CARE**

Planner Kimball feels comfortable with the planned day care. The Planning the Zoning Commission has recommended approval.

**Councilmember Anderson moved to follow the Planning and Zoning Commission's recommendation to approve the C.U.P. for Baker's Day Care. Councilmember Kittelsrud seconded the motion. The vote was unanimous. The motion passed.**

#### **WILL BARNEY – SUBDIVISION APPROVAL**

The Planning and Zoning Commission has recommended that the planned driveway be moved further east to allow for a better view of traffic. A turn-around is also required so that vehicles will not have to back out onto the Canyon Road. Mr. Barney feels the subdivision is ready for approval based on the Planning Commission's recommendation and is seeking approval from the Council.

**Councilmember Warren moved to approve Will Barney's Subdivision based upon the Planning Commission's recommendation. Councilmember Cragun seconded the motion. The vote was unanimous. The motion passed.**

### **KEN BUTTERFIELD – DECISION ON LAND SWAP**

Mr. Butterfield is asking for three acres of City property on the Canyon Road with 500 feet of frontage in exchange for approximately 1 1/8 acre of property that he owns on 100 W where the Master Plan calls for a potential future road. The proposed road in that area will not be a through street and it is the consensus of the Council that the swap would not be beneficial to the City.

**Councilmember Cragun moved to retain the canyon property for the City. Seconded by Councilmember Reid. The vote was unanimous. The motion passed.**

### **KARL NIELSON – REQUEST FOR CITY ASSISTANCE FOR TREES AT SNOWY RIVER APARTMENTS**

City Manager Richard Anderson showed pictures of the trees in question which are located at 200 North and 348 East. Councilmember Reid asked why the City is being asked to take care of the trees. Mr. Nielson explained that he bought the apartments four or five years ago, and though he loves the trees, they have become a problem in that they are so big and shed so much. "If you measure land going east to west and again west to east, it does not measure the same. From one direction they are my trees, and from the other, they are Doug Madsen's trees." They come right out of the irrigation ditch, which includes the Irrigation Company in the responsibility. Mr. Nielson is requesting help from the Irrigation Company as well as the City to trim those trees. One tree a winter would satisfy Mr. Nielson as it is going to be a huge project. Councilmember Anderson told Mr. Nielson that they would look at the problem and let him know what they think.

Councilmember Warren is still unclear on how the City has any responsibility. Mr. Nielson stated that both the Irrigation Company and the City have an easement along that ditch. Councilmember Cragun feels it is the Irrigation Company's responsibility because the trees are coming out of the ditch. Mayor Birrell reiterated Councilmember Anderson's statement that the Council will take a look and get back with him.

### **DECISION ON REMOVAL OF DALE NICHOLL'S TREE**

City Manager Richard Anderson stated that the easement can be abandoned through a quit claim deed, and that the City has no legal obligation to remove the tree.

The Council would like to obtain a quit claim deed for the purpose of abandoning the easement.

### **DISCUSSION OF POLICY ON USE OF CITY BUILDING**

Mayor Birrell explained that the use of the City Building became an issue when one group was granted access to the Council Room for a meeting and another was denied. It is necessary to have a policy in place that will regulate the use of the building. City Manager Richard Anderson stated that the unwritten policy has been to allow meetings for official groups. Since the meeting held in the Council Room was a training which included Chief Rasmussen, it was felt access to the building was warranted.

Reasons were discussed as to why it would be undesirable to allow certain groups in the building. It was pointed out that the Council room is not a place we want misc. groups of people because there is a great deal of very expensive electronic equipment in that room. Lloyd Stevens commented that it is a public building, paid for by public funds, and the public should be able to use it. Though the Council agreed with the concept in general, it was also pointed out that the City has an obligation to protect the building and the equipment housed within it. It was suggested that groups with a City Sponsor such as Chief Rasmussen, would be welcome in the Council Room.

Perhaps when the Library moves back into their renovated building next year, the room they used in the basement could be designated for public use. In the meantime, use of the building should be limited to official or sponsored groups. If the safety of the building is a concern, groups could be required to sign a waiver accepting responsibility for damage, etc. Richard Anderson will make sure something is put into writing concerning the use of the City Building.

#### **ADOPTION OF CHANGES TO PLANNING AND ZONING QUORUM REQUIREMENTS ORDINANCE**

**Councilmember Cragun moved to approve ECO-06-02. Councilmember Anderson seconded the motion. The vote was unanimous. The motion passed.**

#### **ADOPTION OF ECR 06-10**

**Councilmember Anderson moved to approve ECR 06-10 amending the commercial electric demand rate. Councilmember Warren seconded the motion. The vote was unanimous. The motion passed.**

#### **CHANGES TO THE CONSOLIDATED FEE SCHEDULE**

At the last Utilities Board Meeting, Tim Cox, owner of the House of Suds car wash, asked about having his water calculated on a year round average rather than six months. Since his water usage is not constant throughout the year, he feels it is unfair to calculate his bill in this way. The Council felt this was a reasonable request and will inform others with the same circumstance that this option will be available to them as well.

**Councilmember Warren moved to change the fee schedule to reflect a 12 month average water calculation for those with car washes. Councilmember Cragun seconded the motion. The vote was unanimous. The motion passed.**

#### **KRIS JORGENSEN – DANISH FIELDS SUBDIVISION**

Mr. Jorgensen was present to ask for approval of Phase II of the Danish Fields Subdivision. Last time he was here the two issues discussed were 400 East and the financial guarantee for approval. The financial guarantee is in place, and Mr. Jorgensen pointed out that under Phase I approval, he still has until next summer to finish 400 East. There will be 15 lots in Phase II, with eight owners currently ready to build.

Mayor Birrell commended Kris and his family for their foresight and getting this development going.

Planner Bryan Kimball expressed his concern that 400 East was listed as an outstanding project for Phase II. He believes he has met the conditions for Phase II except for the completion of 400 East and 500 North and the other things identified in the memo. Richard Anderson stated that a development has to support itself. After many meetings, Ephraim City Council and Staff had decided 400 East would not be adequate as it was. Jones and DeMille, an engineering firm hired by Ephraim City and Mr. Jorgensen to evaluate the situation, said that if the shoulders were saw-cut and widened with adequate road base and a 90' stretch of road repaired that was in bad shape, that the road would meet the City Construction Standards. The road has since been re-examined by Jones and DeMille who noted that the 90' stretch of bad road is longer by double or triple what it was at the time of the Jones and DeMille letter. Richard Anderson feels that the deterioration of the road is a reflection of the fact that it wasn't adequate for the development. Mr. Jorgensen feels he is only bound to repairing the 90' referred to in the Jones and DeMille letter, and that the letter constitutes a contract.

At this point Mr. Jorgensen pointed out that 400 East and the final approval on Phase II are separate issues, and requested approval before discussing the road further. Councilmember Anderson agreed that they are two separate discussions; however the letter from Jones and DeMille suggesting that 90' of road be repaired was a statement of the condition of the road at the time. That date is past, and the evaluation is no longer valid for that road.

**Councilmember Reid moved to table the issue until further discussion can be had. Motion dies for lack of second.**

Councilmember Warren asked if Planning and Zoning had approved Phase II. Planner Kimball answered that it had been approved by Planning and Zoning, conditioned upon staff recommendations and compliance with construction standards. Councilmember Warren then asked Richard Anderson if he thought the road issue precluded the approval of Phase II. Mr. Anderson answered that approval requires an adequate road and 400 East is not an adequate road; the road is key to the subdivision and is key to approval. A more recent letter from Jones and DeMille states that the road is inadequate. Bottom line is the road has to be adequate to serve the subdivisions. The condition of the road now is different than it was when Jones and DeMille recommended that 90' be repaired.

Councilmember Warren stated that if Mr. Jorgensen has met the conditions of our ordinance and the conditions set by Planning and Zoning, we have to approve Phase II. Planner Kimball stated that infrastructure drawings and other requirements for Phase II are adequate. The only issue is 400 East and whether it is adequate. Repair of the road was a condition of Phase I and should remain so. Phase II approval is a separate issue.

**Councilmember Warren moved to approve Phase II based on recommendations from Planning and Zoning. Councilmember Anderson seconded the motion. A roll call vote was called. The vote was unanimous. The motion passed.**

This road will be on a future agenda.

## **REPORTS AND UNFINISHED BUSINESS**

Kerry Steck and Lloyd Stevens were present to continue the discussion on the pending parking lot for the new park that abuts the fire station's parking. Councilmember Warren spoke with Kerry Steck for his input on doing a shared parking lot, pointing out that the parking stalls at the Fire Station would be heavily signed. One issue brought up was the elevation change. We need to consider where all the drainage water is going to go. There was much discussion on possible driveways and turn-arounds.

**Councilmember Warren** – found out that the deadline on the park grant is December 31<sup>st</sup>. We need to concentrate our efforts on getting it done. Richard Anderson suggested an extension may be possible. Brad Barton will bring a track hoe this week to help get the sewer lines done. Once the sewer and water are in, we can bring in top soil and get things done. It is imperative to have a driver or someone from the City present to make sure we are doing our part. Things are coming together, but good communication is crucial between the Park Committee and the City. Richard Anderson mentioned that the majority of the available money has

already spent. Mayor Birrell would like to schedule a work meeting to discuss funding issues for both the park and the library. The meeting will be held Tuesday the 26<sup>th</sup> at 3:00 p.m.

**Councilmember Kittelsrud** – updated the Council on the library. We cannot start construction until funding is in place.

**Mayor Birrell** – presented a list of organizations the Library Board is trying to meet with for fund raising and donations. They are submitting a request to Questar to donate money and would be willing to designate a part of the library as the Questar computer center, etc. if the funds were forthcoming. The goal is to go to a number of firms such as Sinclair and request funds.

Mayor Birrell encouraged those who attended the League meetings to write down information to share with each other. All attended different classes and it would be beneficial to all to hear each other's experiences.

**Councilmember Cragun** – Soccer is going, but not without incident. Communication is the issue. Intramural teams wanted the field while we were still there.

Erin Thompson has started working on a Recreation Master Plan, and is asking for samples from other cities.

**Councilmember Anderson** – Six County Association of Governments is having an open house to view the new homes being built in the Rural Development Self-Help Housing Program. The house chosen for the tour is Planner Kimball's home. ECHA is accepting bids on a contractor to build a home.

The Beautification Committee (Envision Ephraim) met tonight to discuss possible upcoming projects. Jason Johnson from State Lands and Forestry came down on Monday and assessed the condition of the tree at the Hansen House. It is his recommendation that removal of all remaining stems be done at this time. He is also checking the willows on the north end of town, and so far they look fine.

**Planner Bryan Kimball** - reported on the progress of the springs project. Division of drinking water still has to get word back.

**Richard Anderson** – Clegg Anderson, owner of the filter company, said he has purchased another company. It will employ 45-50 people, but his current building is too small; he would like to stay in Ephraim. We don't have an industrial park and Mr. Clegg would like to locate in an industrial

area. There are 50 acres near our industrial area. We could look into buying that and build infrastructure as needed.

One of the Miss Ephraim royalty would like Ephraim City to sponsor her in the Miss Utah Pageant which would cost \$560. Where it is no longer affiliated with the City, Councilmember Anderson would rather not. Councilmember Kittelsrud commented that it sets a precedent for all others who would want to be in the pageant.

**Councilmember Cragun moved to go into closed session for the purpose of discussing of the character, professional competence, or physical or mental health of an individual. Councilmember Anderson seconded the Motion. The vote was unanimous. The motion passed.**

**Councilmember Cragun moved to return to open session. Councilmember Kittelsrud seconded the motion. The vote was unanimous. The motion passed.**

**ADJOURN**

The meeting was adjourned at 11:30 PM.

**MINUTES APPROVED:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date