

**MINUTES OF THE EPHRAIM CITY COUNCIL MEETING
EPHRAIM CITY BUILDING
5 S. MAIN
WEDNESDAY, OCTOBER 4, 2006
7:00 PM**

MEMBERS PRESENT

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

OTHERS PRESENT

Richard Anderson, City Mgr/Recorder
Bryan Kimball, City Planner
Leigh Ann Warnock
Chad Parry, Public Works Director

VISITORS

Ben Fox, Messenger
Steve Clark, CentraCom
Melanie Wathen
Mr. Wathen

Bryan Fletcher
Brock Fletcher
Justin Larson

Mayor Birrell called the meeting to order at 7:07 PM. An opening prayer was offered by Councilmember Warren. Steve Clark led the audience in the Pledge of Allegiance.

PUBLIC SESSION

APPROVAL OF MINUTES

The Council reviewed the minutes of the August 9, 2006 Public Hearing.

Councilmember Anderson moved to approve the minutes of the August 9, 2006 Public Hearing with corrections. The motion was seconded by Councilmember Warren. The vote was unanimous. The motion passed.

The Council reviewed the minutes of the September 26, 2006 City Council work meeting.

Councilmember Reid moved to approve the minutes of the September 26, 2006 City Council work meeting as written. The motion was seconded by Councilmember Warren. The vote was unanimous. The motion passed.

The Council reviewed the minutes of the September 20, 2006 City Council meeting.

Councilmember Reid moved to approve the minutes of the September 20, 2006 City Council meeting as written. 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 October 2, 2006.

Councilmember Anderson moved to approve the warrant register of October 2, 2006. The motion was seconded by Councilmember Kittelsrud. The vote was unanimous. The motion passed.

PUBLIC COMMENT PERIOD

Mrs. Nicholls asked the Council to reconsider removing the tree located between the Nicholls home and the Malt Shop on Main Street. Mrs. Nicholls informed them that she remembered the City purchasing a right-of-way through there years ago, and that the Council at that time promised they would maintain those trees and remove them if they became a nuisance. There were three at the time. Mrs. Nicholls offered to take the tree down if City crews will trim it to a manageable size first.

Mayor Birrell stated taking out a tree on private property sets precedence for others to request the City's help in removing trees. According to Public Works Director, Chad Parry, the City has trimmed that tree in the past. Mayor Birrell feels that if that is the case, Mrs. Nicholls' claim that the City promised to take care of it must be correct.

Councilmember Reid declared a conflict of interest. It was decided that the City will trim the tree to a manageable size and then the Nicholls' will remove the rest of it. The City should get something in writing from Karl Nielsen for permission to cut the tree as it is on his property. Richard Anderson feels the two neighbors should be present when the tree is worked on.

STEVE CLARK, BUSINESS & COMMUNITY DEVELOPMENT DIRECTOR FOR CENTRACOM – UPDATE ON DEVELOPMENTS IN EPHRAIM CITY

Steve Clark expressed appreciation for being able to do business in Ephraim City. It has been two years and he feels the relationship with the city has been excellent.

Three principle items were discussed:

1. CentraCom was thrilled to learn of the county-wide EAS System, making all phone numbers called within Sanpete County local calls. This will make things more convenient for everybody and will do a lot towards attracting businesses to the area. One objection raised came from people with fixed incomes. There will be an increase in the telephone bills depending on the area; however there is a new program available to low or fixed income residents called Life Line. This is a federally mandated program designed to make sure people on low incomes have access to telephone service. Those receiving HEAT or food stamps automatically qualify for Life Line Services. Others qualify if income is 135% of the county poverty level.
2. There has been a great deal of confusion regarding the broadcasting of BYU and U of U football games. The Mountain West Conference decided they would participate in the creation of a couple of cable channels. MTN and CSTV bought rights to these channels. Some games will be shown on each channel including ESPN. CentraCom has added these channels to the cable network, and subscribers can call to get a schedule of the broadcasts.
3. There will be significant changes to cable in Ephraim in the next year and a half. Substantial upgrades for Sanpete County have been approved that will allow more channels as well as two-way communication within the system. By the end of next year the cable system in this area will be equal to the standards of any system offered anywhere in the state.

“We have great plans for Ephraim and are very appreciative of being able to do business in your City.”

MELANIE WATHEN – 2-LOT SUBDIVISION APPROVAL

Melanie Wathen would like to split the property located on the northeast corner of 100 North and 400 East, containing approximately 0.44 acres. This application will split the existing lot into 2 lots along 100 North, one of which will contain the existing home. A spec home is planned for the other. Recommendation from the Planning Commission is that curb, gutter, sidewalk, and any appropriate drainage structures be installed along 400 East by the developer, meeting construction standards. Planner Kimball’s concern is the elevations. The College is planning to bring quite a bit of fill to make things even, and a retaining wall will be put against the stream bed. Aside from splitting off, all criteria have been met.

It is in the flood zone as per the FEMA maps; owners would need to disclose this fact to future buyers for insurance purposes.

Councilmember Warren moved to approve the 2-lot Subdivision based on the recommendations from Planning and Zoning and the Staff. Councilmember Reid seconded the motion. The vote was unanimous. The motion passed.

SANPETE REALTY – OFFER ON LOT AT COMMERCIAL SUBDIVISION

An offer has been made for a lot at the Commercial Subdivision for \$60,000. The lot was originally appraised at \$65,000 in 2003. This does not include the costs for the fence, which would be an additional \$5,344. This makes the offer approximately \$9,000 under the 2003 appraisal.

Councilmember Warren commented that the appraisal may be off if the property has sat for a long time without an offer. Melanie Wathen, the listed agent, stated that the prices seem to be in a good spot and doesn't recommend going too much higher. If a counter offer is made tonight without covenants being adopted, the buyer would not be legally bound to uphold them. Melanie Wathen suggested that the proposed covenants be included as part of the offer.

Two weeks would allow enough time to finalize, adopt and record the covenants. An extension on the offer would be the best solution for the City.

Councilmember Kittelsrud moved to ask the potential buyer for a two week extension on the offer making it due on October 19th at 5:00 p.m. Councilmember Warren seconded the motion. The vote was unanimous. The motion passed.

Richard Anderson was asked to include the price of the fence in the base price for all lots at the Commercial Subdivision.

CHAD PARRY, PUBLIC WORKS DIRECTOR – DEPARTMENT REPORT

Chad Parry reviewed current projects and concerns with the Council including flood control, water treatments and the Canyon View Park.

Mr. Parry presented a handout showing a cross connection back flow control program which is a requirement of the state. He feels awareness is a big issue, and the public should be educated about their water heaters, dual back flow program, what to look for so they can contact the Public Works Department in the event of a problem.

Mayor Birrell commended the Department on their removal of the fallen tree in front of the Hansen House. Mr. Parry mentioned that the Power Department worked on that as well.

ECR 06-11 – A RESOLUTION APPROVING THE TRANSFER OF RIGHT-OF-WAY TO KARL M. NIELSON AND JOLENE M. NIELSEN.

It was decided the City would retain the right-of-way between the Karl Nielson and Dale Nicholls properties as the matter of the tree is no longer an issue.

REVIEW OF OPEN AND CLOSED MEETING ACT.

Leigh Ann Warnock reviewed the Open and Closed Meetings Act with the Council as required in the State Code.

REPORTS AND UNFINISHED BUSINESS

Mayor Birrell stated that it is time to advertise the position of Fire Chief in the newspaper, and asked the Council to think about what qualifications will be asked for regarding experience, etc. This will be the topic of discussion at a work meeting scheduled for Thursday October 5th at 3:30 p.m. Covenants for the Commercial Subdivision will also be on the agenda.

Councilmember Kittelsrud – The Library Board had a check for the Park Committee which was just under \$2,000 as their portion of the proceeds from the home show. The Board would like to sell the City's Piñatas at the Elementary School Halloween Carnival as another fundraiser for the library and the park. The Board is now waiting to open bids for the library renovation. Richard Anderson mentioned that the paint sample report shows that the lead content is below the required level. There is asbestos, but not that has to be removed. The CIB application will be completed after the bids are opened so we have numbers to put in there. We are going to ask for \$200,000. This will most likely would end up as a loan with no or low interest.

Councilmember Warren – top soil hauling scheduled for next Saturday and a week from Saturday. We should be able to get it spread soon thereafter. We have had lots of offers of help. City crews have been good to come get things done. Richard Anderson has requested an extension on the grant, but has not heard back yet.

Mayor Birrell - would like to have another neighborhood type meeting inviting all of the business owners (retail and professional services) of the community and sit down with them to see what their concerns are. He would like to provide refreshments at this meeting. The meeting will be tentatively scheduled for October 25th at 7:00 PM. Richard Anderson mentioned that he has items that will be of interest to them right now.

Richard Anderson – Kris Jorgensen will be coming in tomorrow to discuss the road on 400 E.

ADJOURN

Councilmember Anderson moved to adjourn at 10:25 p.m. The motion was seconded by Councilmember Kittelsrud. The vote was unanimous. The motion passed.

MINUTES APPROVED:

Mayor

Date

ATTEST:

City Recorder

Date