

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH
WEDNESDAY, MARCH 17, 2021
6:00 PM

CALL TO ORDER

The Ephraim City Council convened in a Regular City Council Meeting on Wednesday, March 17, 2021, in the City Council Room. Mayor Scott called the meeting to order at 6:09 p.m.

OPENING CEREMONY

At the invitation of the Mayor, Councilmember Wheeler offered an invocation. Councilmember Anderson led the audience in the Pledge of Allegiance.

ROLL CALL

MEMBERS PRESENT

John Scott, Mayor
Margie Anderson, Mayor Pro Tem
Tyler Alder
Alma Lund
Greg Boothe
Richard Wheeler

STAFF PRESENT

Shaun Kjar, City Manager
Brian Page, City Attorney
Leigh Ann Warnock, City Recorder
Bryan Kimball, Community Dev.
Devan Fowles, Planner
Steve Widmer, Financial Director
Jeff Jensen, Public Works Director
Cory Daniels, Power Director
Aaron Broomhead, Public Safety
Michael Patton, Rec Director

PUBLIC COMMENT

Terrel Davis commented he had made a presentation to the Cemetery Board for inclusion of a rose garden at the Park Cemetery. The Board expressed concern relating to maintenance requirements. Mr. Davis told them he was sure a garden club could be formed to maintain that and other gardens in the City. He felt it was a good idea and within budget recommendations. Councilmember Alder commented the Cemetery Board is agreeable. The plan would be to abut the rose garden next to the planned Veteran's Memorial.

PRESENTATIONS

Mayor Scott presented Public Service Recognition for Phyllis Thompson and Sandra Rasmussen, two Ephraim City residents who walk daily throughout the city, filling trash bags on their way. Mayor Scott felt it appropriate to recognize them publicly.

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of March 16, 2021.

Councilmember Alder moved to approve the March 16, 2021 Warrant Register as presented. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

APPROVAL OF THE MINUTES

The Council reviewed the minutes of the March 3, 2021 Work Meeting and Regular Council Meeting Minutes.

Councilmember Anderson moved to approve the March 3, 2021 Work Meeting and Regular Council Meeting minutes as presented. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.

EPHRAIM HYDRO NAME CHANGE

Prior to his passing, Ted Olson, former long-time chair of the Utilities Board and UAMPS representative, was an icon and worked tirelessly for the City. Ted loved the hydros and conducted annual educational tours for Snow College students. The City has always had an old hydro called simply, "The Old Hydro". The Utilities Board and Staff recommend the Council approve a name change of the Old Hydro to the Ted L. Olson Hydro. The Board have arranged for his name to be placed on or above the door of the hydro in commemoration. The hydro is the oldest hydro still in operation west of the Mississippi. It was refurbished four or five years ago and is running well. It was originally built in 1903 and came online in 1905. It was commissioned in 1906.

Councilmember Anderson moved to approve the name change of the old hydro to the Ted L. Olson Hydro. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

LIONS CLUB REQUEST FOR DONATION

Jonathan Bodrero, president of the Lions Club, was present electronically through Zoom. He stated the Club has enjoyed a good relationship with Ephraim City for many years. One of their greatest contributions is Snow College scholarships funded through the annual Lions Club softball tournament and breakfast. Due to COVID-19 restrictions, the Club was unable to hold these and other fundraisers in 2020. On behalf of the Lions Club, Mr. Bodrero asked for a donation from the City, to help fund the candy for this year's Easter Egg Hunt.

Councilmember Anderson moved to approve a donation to the Lions Club in the amount of \$500 to help fund the Easter event. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.

GENERAL PLAN AND LAND USE MAP AMENDMENTS: PAUL THOMPSON

Paul Thompson petitioned to amend the Ephraim City General Plan for his property located at approximately 550 W 800 S (Keisel Lane) to change the zoning from Industrial to Rural Residential/Agriculture(RR/A) and the Land Use Map for the same property from Industrial (I) to Residential Agricultural (RA). The General Plan does not currently allow for Residential on this property. The Thompsons would need the General Plan adjusted to include a zone change to allow for residential lots. They also stated they would be willing to sign an avigation easement with the airport if the buffer zone does touch the property. Planning Commission approved the proposal and the request for both applications. They made two recommendations: 1) the Council carefully consider the affects the decision would have on the airport, prohibiting future growth to the north, and (2 start zoning closer to the property so the City does not end up with a spot of residential in the middle of the proposed future Industrial Park. The applicant and his family were present and asked to give a presentation.

Troy Thompson (Landowner/son of applicant) reviewed items the Planning Commission had had questioned regarding airport traffic. They were concerned future residents would be bothered with the noise. The former airport chair told him there would be two flights per day. They are willing to grant easements and work with the City on density requirements. A councilmember pointed out there is now a flight school at the airport and flights would be more frequent. He reiterated they would not be bothered by the increased activity at the airport. Mr. Thompson discussed zoning changes for future development. He pointed out the City modified the General Plan for Ephraim Crossing, and they are requesting like decisions.

Tiffany Wright (Landowner/daughter of applicant) Addressed two concerns the Planning Commission had voiced: 1) Airport Traffic. The Landowners are aware the airport is growing and that the property could be affected by airport traffic. They are willing to grant an easement with the airport. With regards to zoning, she reminded the Council that any proposed changes to the property would come back to the Council for approval in the form of a Conditional Use Permit and they would have the opportunity to veto or control what happens with the land. 2) The Board said they had intentionally put excessive amounts of land around the airport in the Industrial zone as a buffer. They agreed that perhaps it is time to revisit that. The landowners understand things near the airport are more likely to be industrial in nature. She pointed out that current industrial land owned by the City compared to size of Ephraim is substantial. She recommended a step down from industrial zoning around the area.

Paul Thompson (Applicant) commented he still owns a home in Ephraim. The land in question has been in his family for well over 100 years. They had 45 acres and sold 35 to Camino Verde. His son expressed his desire to build a home on the remaining property, which is currently zoned Industrial, prohibiting residential buildings. If the rezone is approved, he feels it would be a more productive use of the land. He reviewed the taxes currently paid on that property and suggested the City would receive several thousand dollars more in tax money with the new zoning. He also addressed the noise at the airport. He said the airport was there in the forties and there were few homes in the area. Anyone building after that time should know there would be airplanes flying in the area and he feels anyone building near the airport should have no argument about the noise.

“The Airport Board had no objections, and in my opinion the airport concern is moot.” We feel it would be a more productive use of the land for the City and the property owners to approve these applications.

Bryan Kimball explained the property is currently being taxed as green belt. If zoning changed, that would remain the same until homes are built on the land. They are planning to begin building in approximately three to five years. At the time the applicant is ready to build, utilities would be required and would be paid for by the applicant. They are hoping to tie into Camino Verde infrastructure. The owners have irrigation water and the City could drill a well near their property. A large water tank could also be installed with water to be delivered. Bryan sees three advantages of the zone change to the City: 1) A well 2) Infrastructure near because of Camino Verde 3) A water tank. Applicant understands they would be responsible for infrastructure.

Councilmember Wheeler moved to approve the General Plan Amendment to change the zoning on the property located at approximately 550 W 800 S from Industrial (I) to Rural/Residential Agriculture (RR/A). The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.

Councilmember Anderson moved to approve the Land Use Map amendment to change the zoning on property located at approximately 550 W 800 S from Industrial to RA. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

GENERAL PLAN AND LAND USE MAP AMENDMENTS: AMY JOHNSON

Amy Johnson petitioned to amend the Ephraim City General Plan to change the zoning for her property consisting of 10.58 acres located at approximately 150 E 700 N, from Low Density Residential (LDR) to Commercial (C) and the Land Use Map for the same property from Residential Agricultural (RA) to General Commercial (C2). Currently, the General Plan has that property, which adjoins the Olson properties on 700 N, zoned Commercial. She is asking to extend the Commercial Zone over that property. If the General Plan and Zone changes are approved, they could do anything in the commercial zone and anything residential as well. The property across from them was recently changed to commercial and they would like to do the same.

Steve Weller and friend John Glade commented they have been members of the community for 13 years. They were students at Snow College and decided to make Ephraim their home. House prices and have gone up substantially since they purchased their homes in 2009. Wages are not rising along with prices of homes and the likelihood of residents obtaining mortgages is decreasing. The plan for the property is to provide affordable housing in Ephraim, such as condos, townhouses, or smaller three-bedroom houses. There would be no rentals. They are adjacent to businesses and would have the option to incorporate businesses with residential living as possibilities. They would like to start building in phases as soon as everything is approved. Mayor Scott acknowledged the need for starter type homes in Ephraim.

Councilmember Stevens moved to approve Amy Johnson's petition to amend the Ephraim General Plan on 10.58 acres located at approximately 150 E 700 N from Low Density Residential (LDR) to Commercial (C). The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

Councilmember Wheeler moved to approve Amy Johnson's petition to amend the Land Use Map to change the zoning of 10.58 acres located at approximately 150 E 700 N from Residential Agricultural (RA) to General Commercial (C2). The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

EPHRAIM CROSSING SUBDIVISION PHASE I

Applicant has asked for approval of a revised final plat to include eight lots rather than the originally planned 22 lots for Phase I. All lots front 400 S. Remaining lots will be developed in future phases.

Councilmember Alder moved to approve changes to Camino Verde's Phase I subdivision plat. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

PROPOSALS FOR BACK UP GENERATORS

Shaun presented a Proposal from CAT. He has been working to create an Emergency Operations Center. The Federal Government is providing funding for emergency planning, and he would like to use it for shoring up emergency management by purchasing generators for the Ephraim South Pump Station, the Ephraim North Pumphouse, Ephraim Fire Station, and Ephraim City Hall. The Fire Station is a critical building as power is required to raise the door to get the trucks out. The total for all four generators would be \$150,000. Shaun is authorized as Staff to make this decision, but it is a large amount of money and would like to suggest CARES Act funding be used for these generators. It would create needed redundancy for the system. This purchase would use up close to half of the City's remaining CARES Act money. A 31% discount is available for the City through the State contract. Delivery would take 12-20 weeks on some of these parts. We would order two natural gas units and two diesel units.

Councilmember Wheeler moved to approve the spending of CARES Act funding for four generators at two well houses, City Hall, and the Fire Station, in the amount of \$150,000. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.

AMENDMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE EPHRAIM COMMERCIAL BUSINESS PARK: CLAYTON HOLBROOK

Mr. Holbrook is petitioning for an amendment to the CCR for the Business Park to allow mixed-use development. Devan said he would like it to say that all buildings in the Business Park are required to include a business since it is in the business park; the currently worded proposed change would allow either business or residential. Planning Commission approved the amendment based on drafting an amendment and obtaining signatures and approvals from the neighboring businesses. Signatures of all property owners have been secured. Bryan suggested a change to the wording to clarify each development must include commercial. The

CUP requirement would help in that area as well, to ensure future developments match what is already there. The CCR has an enforcement clause including attorney's fees. Mayor Scott urged the Council to be mindful that the Commercial Business Park is to be held to the standards in order to match what the City wants in the Park. The reins have been tightened in the approval process to make sure what was approved actually gets built, and Devan is working with the County on that. Shaun would like to see the CCR enforced regarding the six-month time period to build after purchase.

Councilmember Lund moved to approve the amendment of Article II Section 4(k) of the CCR for the Business Park to allow for mixed use, as proposed by Clayton Holbrook, with the addition of language requiring each building on the lots to include a business. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

ORDINANCE ECO 21-01

ECO 21-01, an ordinance adding the duties and powers of the Fire Code Official to Ephraim City Code.

Shaun explained firefighters and other first responders, including police, are privy to information and situations others are not. This new section of the Code would allow the City to protect its first responders and residents and give authority to these individuals to ensure things are handled properly.

Councilmember Alder moved to adopt ECO 21-01 an ordinance adding the duties and power of the Fire Code Official to the Ephraim City Code. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

BRETT OLSON OUTSIDE WATER

Mr. Olson presented a petition for an outside water connection to the Utilities Board. The Board recommended approval based on the signing of a pre-annexation agreement requiring the applicant to pay for any infrastructure to run the water to his property.

Brett Olson said he chose the property because City water is currently piped near the property making it easy to hook up. Mayor Scott made sure Mr. Olson was aware water rates would be higher than for City residents. Fire Code would mandate a fire hydrant. Mr. Olson said an existing fire hydrant is located within 400 feet of his planned home.

Councilmember Stevens feels there are arguments for and against this connection. He proposed a work session be scheduled for Monday to discuss the issue, making a final decision on this connection at the next Council Meeting in two weeks. Discussion ensued regarding whether that would give Mr. Olson time to take it to the County for the May deadline. He would need a letter from the City allowing him to use City water before he can get on the agenda for the County Commission. He would miss the deadline if the Council waited for the next Council Meeting to decide. Council is concerned about setting precedent but can make decisions on a case-by-case basis. Mr. Olson was asked if he could contact neighboring property owners before Monday's proposed meeting to see if they would be amenable to annexation.

Mr. Olson requested a decision tonight; he would prefer not to have to annex first as that process is lengthy and he is ready to begin building. Annexation requires property to be adjacent to City boundaries. Two other property owners would also need to annex.

Mayor Scott commented he was not sure another meeting would change anything as compared to tonight. Councilmember Wheeler felt it was a unique situation with a waterline just 30' away. He recommended approval tonight, with a work meeting later to determine what all future outside water decisions will be in the future.

Councilmember Wheeler moved to approve Brett Olson's petition for an outside water connection to his property at approximately 1300 S 300 E. The motion was seconded by Councilmember Anderson. A roll call vote was taken. Councilmembers Stevens and Lund were opposed. The vote was 3-2 in favor of the connection. The motion carried.

DISCUSSION: IMPACT FEE RATES FOR ENACTMENT

A discussion regarding possible rates for impact fees was required so that a public hearing and approval of rates could be noticed. Mayor Scott asserted that in order to maintain current services, fees must increase. A significant amount of interest has been shown in building in Ephraim. New impact fees would become effective at the time of enactment and any building permits submitted after that date would be subject to the new fees. Sunrise Engineering completed impact fee studies required for wastewater, culinary water, roads, emergency services, and parks and recreation. Rate changes have been delayed by COVID-19. The Council is now ready to talk about starting point numbers.

A Public Hearing will allow the public to see the recommended fee ranges included in the studies. The current fees for a single family are \$6,584 to maintain same service; the assessment allowable is \$23,882.20 per single family equivalent. Wastewater for Ephraim City is approved up to \$1,490, culinary water at \$6,056.79, road fee at \$2,393, and recreation is over \$13,000. The Mayor asserted growth can pay for growth or it can be charged to the residents. Inflation robs the City of a percentage every year. Eliminating impact fees for Ephraim City is an option, but the City would have to pay for maintenance.

Mayor Scott's preliminary suggestion was to raise fees to the full amount allowed for wastewater, culinary and roads, and set parks and rec to \$1,500. Emergency services could be kept at the current rate of \$315, for a total of nearly \$12,000. Councilmember Stevens suggested the total number be raised to \$15,000, increasing the suggested amount for recreation to \$4,500.

Finance Director Steve Widmer commented impact fees can only be used for projects or equipment purchased as a direct result of population increase. Once impact fees are collected, it must be spent within six years or refunded back. He informed the Council the water fund had taken a hit due to purchases of water rights and bonding. He felt emergency services and recreation amounts should be raised.

Shaun suggested parks and rec be viewed differently than before, as it is no longer just for children. Services are now provided to the entire community.

Public Hearings and final approval of impact fee rates will occur at a later date. City Attorney Brian Page will write an enactment for notice at the higher rates discussed today, but different amounts may be approved after the public hearings and further discussion. Mayor Scott suggested Sunrise Engineering come to present a brief summary of their impact fee studies prior to approval of the rates.

CLOSED SESSION

Councilmember Anderson moved to go into a closed session pursuant to the provisions of the Utah State Code, Section(s) 52-4-205(d) to discuss the purchase, exchange, or lease of real property. The motion was seconded by Councilmember Alder. A roll call vote was called. Voting yes: Councilmembers Scott, Boothe, Wheeler, Anderson, and Alder. The vote was unanimous. The motion carried.

The Closed Meeting began at 9:28 p.m.

At 10:50 p.m. Councilmember Alder moved the Council adjourn the closed session and reopen the public meeting. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

OPEN MEETING

Council was reminded the regular meeting agenda included appointing a new Utilities Board member.

Councilmember Wheeler moved to appoint Chad Parry to the Utilities Board. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

CLOSED SESSION

Councilmember Anderson moved to go back into a closed session pursuant to the provisions of the Utah State Code, Section(s) 52-4-205(d) to further discuss the purchase, exchange, or lease of real property. The motion was seconded by Councilmember Alder. A roll call vote was called. Voting yes: Councilmembers Scott, Boothe, Wheeler, Anderson, and Alder. The vote was unanimous. The motion carried.

The Closed meeting began at 10:52 p.m.

At 10:58 p.m. Councilmember Alder moved the Council adjourn the closed session and reopen the public meeting. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

ADJOURNMENT

There being no further business to come before the Council for consideration, Councilmember Alder moved the Regular Council Meeting adjourn at 10:58 p.m. The

motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.

The next regular City Council meeting is scheduled to be held on Wednesday, April 7, 2021, starting at 6:00 p.m. in the Ephraim City Council room.

MINUTES APPROVED:

John Scott, Mayor

Date

ATTEST:

Leigh Ann Warnock, City Recorder

Date