

**MINUTES OF A REGULAR EPHRAIM
CITY COUNCIL MEETING
EPHRAIM CITY BUILDING
5 S. MAIN
WEDNESDAY, JULY 2, 2014
6:00 PM**

MEMBERS PRESENT

Richard Squire, Mayor
John Scott, Mayor Pro Tem
Tyler Alder
Margie Anderson
Terry Lund

STAFF PRESENT

Brant Hanson, City Manager
Bryan Kimball, City Planner
Leigh Ann Warnock, City Recorder
Ron Rasmussen, Police Chief

MEMBERS EXCUSED

Alma Lund

OTHERS IN ATTENDANCE

See attached roll.

WORK SESSION

The Ephraim City Council convened in a work meeting on Wednesday, July 2, 2014, in the City Council Room. Mayor Squire called the meeting to order at 5:30 p.m.

The Council reviewed the Warrant Register and Agenda for the Regular Council Meeting.

WARRANT REGISTER CLARIFICATIONS

IFA Charge: For landscaping between store front and Highway 89

Lantis: Monthly charges for meters

Monson Engineering: GPS training for Planning and Zoning

Carl Wimmer Coach Refund: Refunded money because he had a child playing

Financial Director Steve Widmer commented this is the largest warrant register the City has had. There were more expenses this month due to the work done on the roads.

PUBLIC HEARING

The public hearing will be for discussion regarding the donation of a cover for the amphitheater in exchange for some property adjoining Craig Oberg's storage units. Ephraim owns a ¼ acre corner piece that Mr. Oberg would like to obtain to enable access to his storage units. Public comment will be taken tonight, but action will be delayed on the resolution.

CUP-TRACTOR SUPPLY STORE

Planning & Zoning recommends approval for the proposed Conditional Use Permit for the Tractor Store.

CUP-DAYCARE

Nicole Fowles has made application for a Conditional Use Permit to allow her to conduct a pre-school in her basement. Ms. Fowles plans to have 10 children in her home at a time which is the maximum state code allows. There is nothing in the code requiring a fence for a pre-school, and she has no plans to have children in the yard. The Health Department concurs, saying a day care would require a fence, but a pre-school does not. Planning Commission recommends approval based on compliance with state code and a passing fire inspection.

ADJOURN

There being no further discussion, Councilmember Margie Anderson moved the work meeting adjourn. The motion was seconded by Councilmember Terry Lund. The vote was unanimous. The motion carried.

REGULAR SESSION

The Ephraim City Council convened in a regular council meeting on Wednesday, July 2, 2014, in the Ephraim City Council Room. Mayor Squire called the meeting to order at 6:00 p.m. Councilmember Tyler Alder offered an opening prayer. Councilmember John Scott led the audience in the Pledge of Allegiance.

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of July 1, 2014.

Councilmember Tyler Alder moved to approve the warrant register of July 1, 2014 as presented. The motion was seconded by Councilmember John Scott. A roll call vote was taken: voting "yes" Councilmembers Tyler Alder, Margie Anderson, Terry Lund, and John Scott. The vote was unanimous. The motion carried.

APPROVAL OF MINUTES

The Council reviewed the minutes of the June 4, 2014 City Council meeting.

Councilmember Terry Lund moved to approve the minutes of the June 4, 2014 City Council meeting as presented. The motion was seconded by Councilmember Tyler Alder. A roll call vote was taken: voting "yes" Councilmembers Tyler Alder, Margie Anderson, Terry Lund, and John Scott. The vote was unanimous. The motion carried.

The Council reviewed the minutes of the June 18, 2014 City Council meeting.

Councilmember Margie Anderson moved to approve the minutes of the June 18, 2014 City Council meeting as presented. The motion was seconded by Councilmember Terry Lund. A

roll call vote was taken: voting “yes” Councilmembers Tyler Alder, Margie Anderson, Terry Lund, and John Scott. The vote was unanimous. The motion carried.

PUBLIC HEARING

Mayor Squire called the public hearing to order for the purpose of receiving public comment regarding the disposition of real property owned by the City located at approximately 245 W 100 N.

Planner Bryan Kimball reported the City owns approximately ¼ acre of old railroad property adjoining LaMar Barton and Craig Oberg’s property. Craig Oberg has agreed to donate a roof for the amphitheater at Canyon View Park in exchange for that property to allow access to his storage units next to the property. Both individuals have donated labor and/or materials to the park. The topic of the hearing tonight is working out who the property will go to and what parts.

Resident Abraham Hundepool asked if the City has had the property appraised for the fair market value. The tax notice says one piece with no structures would appraise for \$12,000 for the entire piece. This is broken down to \$1 per foot based on the Tax notice. It was explained that preliminary estimates of donations to the City by these property owners exceed \$16,000. There is benefit to the city to exchange for their services.

Mr. Hundepool asked if the City is required to obtain an appraisal in order to dispose of property so it can be exchanged at fair market value. He doesn’t feel we have established a fair market value by talking about its worth. Brant Hanson said he will look into the proper process to dispose of this property and make sure it is done legally.

No more public comment was forthcoming. The public hearing was closed.

ADOPTION OF ECR-14-14, A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY LOCATED AT APPROXIMATELY 245 N 100 N

This item will appear on a future agenda giving staff time to research.

APPROVAL OF CONDITIONAL USE PERMIT – TRACTOR SUPPLY STORE

Garrick Willden from Jones and Demille was present to talk about the site plan for the proposed tractor supply store located at approximately 820 North Main. Mr. Willden reviewed the site plan with the Council. The owners feel that access from the highway is critical for the property. This access would come in the form of 800 North. Walmart’s current entrance was granted as a temporary access until such time as 800 North is developed. UDOT would like to ensure that the streets align straight across the intersection. Tractor Supply has come up with a plan for the future 800 North that would keep the existing Walmart entrance where it is, but the road would curve back to the normal location once it left the highway. UDOT is looking for a plan from the City to make sure the proposed roadway can extend into an actual road, and not just an access to Walmart. This proposed layout would eventually extend 800 North west from the highway to at least 200 West, and east from the highway to at least 100 East. The affected property owners have been approached. On the west side, Walmart seems to be generally ok with the proposed

layout. The adjoining property to the north has some additional concerns that will be worked out when that property develops. The future 800 North on the west side of the highway will not be dedicated or constructed until such time as the piece north of Walmart develops.

For the east side of the highway, the proposed road layout for the future 800 North was located exactly straight across from Walmart's current entrance, as per UDOT requirements for an aligned intersection. This proposed alignment encroaches into a portion of the property owned by the Utah Community Credit Union, which is south of the proposed Tractor Supply. In order to approve the intersection, UDOT is requiring that 800 North be constructed back to at least 50 East, with a plan to extend to at least 100 East. The credit union has been contacted and they are agreeable to the road as proposed, and they are also agreeable to cost sharing with Tractor Supply to ensure that the road is constructed back to at least 50 East from the highway as part of a 66 foot total right of way width. Going east from 50 East, South West Plumbing also adjoins to the south of Tractor Supply, and would be affected by the extension of 800 North to 100 East. Original plans showed that by lining up the intersection at the highway, then the proposed layout would put the future 800 North basically right against the north wall of the South West Plumbing Store. They expressed some concern with existing air conditioning equipment, as well as impact to their property. Some alternatives were developed to minimize the impact to the existing plumbing store. These shifted the future 800 North further to the north after 50 East. One of these options included eliminating the planter strips on both sides for the road, but keeping the standard asphalt and sidewalk widths. This would reduce the right of way to a 56 right of way, and would shift the road further onto the Tractor Supply Store. Bryan prefers this alternative because it gets us closer to our long term goal of a future road and minimizes the impact to the existing plumbing store.

Tractor Supply will be dedicating right of way along 800 North along their frontage. They will also be deeding 33 feet for future right of way for future 100 East along their eastern boundary. They will be improving their frontage and constructing the road from the highway to 50 East, and will improve their frontage along the highway. Because UDOT will be working to expand the highway starting next year, they have asked us to delay the highway frontage improvements until after they have widened the road. We are working with them to get design details worked out to make sure we tie into their new road design.

Tractor Supply would like to start construction this fall which would precede UDOT's project and would like to put money in a city escrow account as part of a delay agreement to cover the cost of the frontage improvements and complete construction after UDOT has completed their road project. Also, UDOT has requested that the sidewalk and any trees be pushed back closer to the actual property line, further away from the edge of the travel lanes of the road. This will create a larger planter strip between the sidewalk and curb, but otherwise should not be an issue.

The Planning Commission has reviewed the landscaping and are comfortable with the landscaping as proposed. They will have a detention pond near the front of their property, hydro-seeded with grass. This is planned to be a bit nicer as it is an entryway into

town. They have extended landscaping as requested by city staff, and have provided almost double the required minimum percentage of landscaping.

The key components to this project have been the location of the intersection, the location of future streets, the landscaping, and overall store site. Construction will ideally begin around the end of this month to get far enough along to finish the parking lot this fall, and open sometime in the early spring. Bryan stated this has been quite an involved process with lots of moving pieces to try and pin down, but staff feels comfortable with the project as proposed. Tractor Supply has gone above and beyond what the minimum requirements are and have been good to work with overall.

Councilmember Terry Lund moved to approve the Conditional Use Permit for the Tractor Supply Store to be built at approximately 820 N Main as outlined by Planning and Zoning. The motion was seconded by Councilmember John Scott. A roll call vote was taken: voting “yes” Councilmembers Tyler Alder, Margie Anderson, Terry Lund, and John Scott. The vote was unanimous. The motion carried.

CONDITIONAL USE PERMIT – PRE SCHOOL

Planner Bryan Kimball informed the Council Nicole Fowles has applied for a Conditional Use Permit to run a pre-school at her home located at 626 E 70 S. She intends to have up to 10 children per session, with one 2-hour session in the morning and another in the afternoon. Planning and Zoning feels positive about this proposal. There is no requirement for a fence in the state code for a pre-school and Planning & Zoning recommend approval as long as they are in compliance with state code. They do need to get a fire inspection. License from the state not required for a pre-school.

Councilmember Scott voiced his concern about congestion in traffic during drop-off and pick-up times. There have been no comments back from the neighbors. It has been suggested they stagger pick up and drop off times by 10-15 minutes.

The accessibility of that area is not big enough for having two pre-schools in that neighborhood along with all the other traffic going through there on their way to and from school. Councilmember Scott is concerned with compromised safety.

It was commented drop off and pick up times will occur in between the times school will be getting in and out and busses going through there.

Councilmember Margie Anderson moved to approve the Conditional Use Permit for Nicole Fowles’ Pre School located at 626 E 708 S as outlined by Planning and Zoning. The motion was seconded by Councilmember Terry Lund. A roll call vote was taken: voting “yes” Councilmembers Margie Anderson and Terry Lund, voting “no” Councilmembers Tyler Alder and John Scott. The vote was tied. Mayor Squire voted in favor of the CUP. Motion carried 3-2.

MOTION TO DECLARE SENIOR CITIZEN BUS AS EXCESS EQUIPMENT

This bus was purchased through a grant by the Ephraim Senior Citizen Center in 2003. The bus is no longer used by the Senior Citizens and they wish to get rid of it at this time.

Discussion ensued regarding the use of the bus by the Youth City Council and if it was worth the City purchasing the bus for that purpose.

Resident Abraham Hundepool asked what stops the City from declaring the bus as excess property and the City purchasing it for their use. It is already titled to the City, but the seniors expect the proceeds to go to the senior center. Brant Hanson commented it isn't the City's bus. The seniors purchased it with a grant they wrote and administered and are now looking to get rid of it and get the proceeds. If the City wants to keep the bus, we could pay them for it.

Councilmember Terry Lund moved to declare the senior citizen's bus as excess equipment. The motion was seconded by Councilmember Margie Anderson. A roll call vote was taken: voting "yes" Councilmembers Margie Anderson and Terry Lund. Voting "no" Councilmembers Tyler Alder and John Scott. The vote was tied. Mayor Squire voted yes. Motion carried 2-3.

MOTION TO AUTHORIZE STAFF TO AWARD THE SENIOR CITIZEN BUS TO THE HIGHEST BID RECEIVED

Councilmember Margie Anderson moved to approve awarding the senior citizen bus to the highest bid received. The motion was seconded by Councilmember Terry Lund. A roll call vote was taken: voting "yes" Councilmembers Margie Anderson and Terry Lund. Voting "no" Councilmembers Tyler Alder and John Scott. The vote was tied. Mayor Squire voted yes. The motion carried 2-3.

Abraham Hundepool as if it was going to be sold by sealed bid. It was answered that it is.

MOTION TO AUTHORIZE DONATION OF PROCEEDS OF THE SENIOR CITIZEN BUS TO THE SENIOR CITIZEN'S NON-PROFIT ORGANIZATION

Councilmember Margie Anderson commented the bus belongs to the senior citizens, but insurance and repairs have been paid for by the city and asked if the proceeds could be split. Mayor Squire feels it is their van and the City taking the van from the senior citizens will not be looked upon favorably by the residents of the city.

Councilmember John Scott said he is not opposed to subsidizing the Senior Citizen's Center, but the City has partnered in this van because we have been able to use it for other things and feels this is one item where the City needs to have the vehicle. Councilmember Margie Anderson feels it is an old van and people are being put at risk when they ride in it.

Abraham Hundepool commented he doesn't feel this discussion should be taking place. There is so much focus on the youth and sports and splash pad, and the senior citizens are a silent majority in the city and are going ignored. Many have become shut-ins because the

food on wheels program is gone, and it is not fair. The bus was acquired by the senior citizens for the senior citizens.

Councilmember Terry Lund moved to authorize donation of proceeds of the senior citizen bus to the senior citizen's non-profit organization. The motion was seconded by Councilmember Margie Anderson. A roll call vote was taken: voting "yes" Councilmembers Tyler Alder, Margie Anderson, and Terry Lund. Voting "no" Councilmember John Scott. The motion carried 3-1.

UNFINISHED BUSINESS, COUNCIL REPORTS AND APPOINTMENTS

Bryan Kimball

Main Street Project – the original estimate by UDOT for the Main Street Project was \$518,000. The bid came in at \$880,900. Only one contractor showed up to the mandatory pre-bid meeting. Two subs were there and said they wouldn't touch it as a primary because of all the red tape with UDOT. UDOT asked if the City could cover the excess. We cannot do that. We have to sit down and figure out where to go with this now. The project isn't dead completely; we have already purchased lights and we had already committed a cash match. It is still possible to go out and get grants and use the amount of cash we have on hand to do a number of things. As of right now, UDOT is looking to re-bid in the fall and build in the spring.

Splash Pad – Crews poured the sidewalk today. The pad is operating. We could potentially open this for Friday. Chad bought some green artificial grass from Home Depot to lay going up to it from the existing sidewalk. We were going to lay sod, but decided to wait until there are no more trucks coming through. Travis Good has volunteered some labor to help with sprinklers and sod if we can come up with the materials. Right now he is slammed but would be able to help in the next couple of months. We need a sign saying parents are responsible for supervising their own children.

Brant Hanson

Item – Brant commented it is great to be here; it is a great city. He said the staff is awesome. He has a conservative mind set which is one of the reasons he came back to Utah. Staff do great job, council does a great job making budget decisions. He is grateful to be here.

Chief Rasmussen

Incidents – last night we had a domestic fight and he ended up going with the Ambulance to Salt Lake County. He got back after 9:00 am and Chief Wright covered the city while he got some sleep today. Officer Jared Hansen was with other party until that person was taken care of. Things are just busy in general.

Vehicles - Two vehicles have been ordered. We will trade out Nolan's car which will go into part time service. The one Larry is using will be stripped and put into administrative use. Ron's vehicle will go to Larry. Nolan and Ron take the new trucks.

Mayor Squire

FYI – the state is in a debate regarding daylight savings time. 70% are in favor of maintaining Mountain Standard time for 12 months.

ADJOURN

There being no further business to come before the Council for consideration, Councilmember Terry Lund moved the Regular Council Meeting adjourn. The motion was seconded by Councilmember Tyler Alder. The vote was unanimous. The motion carried.

The next meeting is scheduled to be held on July 16, 2014, starting at 6:00 p.m. in the Ephraim City Council room.

MINUTES APPROVED:

Mayor

Date

ATTEST:

City Recorder

Date