

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL  
5 SOUTH MAIN, EPHRAIM, UTAH  
MARCH 16, 2022  
6:00 PM

**CALL TO ORDER**

The Ephraim City Council convened in a Regular City Council Meeting on Wednesday, March 16, 2022, in the City Council Room. Mayor Scott called the meeting to order at 6:00 p.m.

**OPENING CEREMONY**

At the invitation of the Mayor, Councilmember Lund offered an invocation. Dan Vanbeuge led the audience in the Pledge of Allegiance.

**ROLL CALL**

**MEMBERS PRESENT**

John Scott, Mayor  
Tyler Alder,  
Mayor Pro Tem  
Margie Anderson  
Alma Lund  
Richard Wheeler  
Lloyd Stevens

**STAFF PRESENT**

Shaun Kjar, City Manager  
Brian Page, City Attorney  
Leigh Ann Warnock,  
City Recorder  
Bryan Kimball,  
Community Development  
Devan Fowles, Planner

Jon Knudsen, Finance Dir.  
Jeff Jensen, Public Works  
Cory Daniels, Power Dir.  
Aaron Broomhead, Police  
Jeff Hermansen, Fire Chief  
Michael Patton, Rec Dir.

## **PUBLIC COMMENT**

Marvin Leathem expressed concern regarding a letter he received about new housing developments in Hidden Creek.

1. Young children enjoy the pocket park, but it could potentially be dangerous with this new development/intersection.
2. He felt discouraged because a new road had been proposed making his development part of the new development. The fence and park may be taken away. He suggested development of a cul-de-sac rather than putting a road through the park.

Russ Welch commented regarding the transportation plan amendment for the Muddy Boys project. It will be zoned R3 which will allow up to 80 units in the subdivision. Traffic relies on 400 W. That's where I live and today it's muddy. The travel lane is about 16' wide. The road is not sufficient to take additional traffic.

## **PRESENTATIONS**

### **SANPETE CARES**

Libby Hinckley, Prevention Coordinator for the six counties spoke on behalf of Sanpete Cares. The Prevention Coalition covers all the kids who go to Manti High School. We want to do things to keep our kids safe. We use data from the Sharps survey. Kids say there is nothing for them to do between school and when their parents get home from work. Sanpete Cares encourages cities to provide activities for youth and to provide education to communities regarding those events and activities.

## **APPROVAL OF WARRANT REGISTER**

The Council reviewed the Warrant Register of March 15, 2022.

*Councilmember Alder moved to approve the March 15, 2022, Warrant Register as presented. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.*

## **EPHRAIM CITY ORDINANCE 22-09: GENERAL/TRANSPORTATION PLAN AMENDMENT: MUDDY BOYS**

The item calls for Adoption of ECO 22-09, an ordinance amending the Ephraim City General/Transportation Plan for property located at approximately 200 S 300 W going south to approximately 275 S 300 W. Bryan Kimball reviewed the four road development options the Planning Commission had discussed for this development. The option selected by the City Council would become the attachment to the ordinance. Copies of the options can be found in the March 16, 2022 Council Meeting Packet on the Utah Public Notice Website.

If the developer is unable to work anything out with adjacent property owners, it would simply be a future road but not an approved road until properties were developed on both sides of the road. Planning Commission favored the option with a through-road. Public Works Director Jeff Jensen commented all utilities would have to be uprooted and moved if option one was approved to move the road and put the pocket park on the other side.

The Council discussed the four options and expressed the importance of maintaining previously established transportation plan corridors. Varied opinions were expressed. Mayor Scott leaned towards Option two without moving the park, but also keeping in mind the future development of 400 West. He urged Clayton to contact the property owner and talk about purchasing that property.

Lisa Murray, P&Z chair, commented the Commission liked options two and four. They like that park and want to preserve the corridors. Two is preferable. 4 offers a hammerhead for emergency vehicles until properties develop in the future.

Michael Patton commented the liability risks for the City having a road that close to a park could go way up.

Mayor Scott called for motion. No motion was made. The item was tabled until it is known what the property owner will do.

**SUBDIVISION PLAT AMENDMENT: MUDDY BOYS**

The item calls for approval of an amendment to the Hidden Creek Subdivision located at approximately 200 S 300 W.

Mayor Scott called for a motion. No motion made.

**EPHRAIM CITY ORDINANCE 22-10: LAND USE MAP AMENDMENT: MUDDY BOYS**

The item calls for adoption of ECO 22-10, an ordinance amending the Ephraim City Land Use Map on property located at approximately 235 S 400 W from Residential Agricultural (RA) to Medium Density Residential (R3).

Mayor Scott called for a motion. No motion made.

**EPHRAIM CITY ORDINANCE 22-11: LAND USE AMENDMENT: PRESTON PRITCHARD**

The item calls for adoption of ECO 22-11, an ordinance amending the Ephraim City Land Use Ordinance regarding Storage Units in proximity to Highway 89.

The ordinance passed previously for storage units prohibits storage units within ½ block of the highway. Mr. Pritchard proposed building storage units behind the pawn show, within ½ block of Highway 89. Bryan said that since the storage units would be shorter than the pawn shop, it meets the intended application of the ordinance.

A public hearing was held last week with the Planning Commission. Lisa Murray commented Mr. Pritchard's proposal was a reasonable application, and the Commission decided to recommend amending the ordinance to allow storage units closer than 300 feet from the highway if an existing building is in front, screening it from Main Street. The ordinance amendment would also require that the storage units did not peak higher than the obstructing building. The Planning Commission approved the new language unanimously feeling it preserved the original intent of keeping Main Street aesthetically pleasing.

Council discussed the proposed language changes to the ordinance pertaining to storage units.

*Councilmember Alder moved to adopt ECO 22-11, an ordinance amending the Ephraim City Land Use Ordinance regarding Storage Units in proximity to Highway 89. The motion was seconded by Councilmember Wheeler. Councilmember Stevens voted no. The motion carried 4-1.*

#### **EPHRAIM CITY ORDINANCE 22-12: LAND USE AMENDMENT: PRESTON PRITCHARD**

The item calls for adoption of ECO 22-12, an ordinance amending the Ephraim City Land Use Ordinance regarding construction over utility easements. Language in the City Land Use Code would be amended as follows:

##### **I. Yards Unobstructed – Exceptions:**

2. In no case shall a **building**, stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc. **unless waived by the City Council due to unusual circumstances with consideration for: applicable State codes, requirements from the affected utilities and the City Engineer, any affected neighboring properties, and mitigation measures to protect and preserve the long-term integrity and efficacy of the utility infrastructure.**

Sewer lines currently run through the property on which Mr. Pritchard would like to build his storage units and would run under the storage units. Attorney Chad Wooley said if the City allows any building to be placed over the line, the City could be liable for repairs made to the lines. It is a gray area. If Mr. Pritchard broke something, he could be held liable. Most likely it would be a shared expense.

Public Works director Jeff Jensen commented he is not in favor of building anything over a sewer line. There is always the possibility it would have to be dug up for repairs.

The Pritchards agreed they would accept liability along with the City if the line had to be dug up. They also asked if it would be possible for the existing line to be replaced before their construction was begun as was done with Ace Hardware.

Legal counsel advised against making the ordinance change for an individual application, but to consider how it would affect development throughout the city in the future. If the ordinance is adopted, it does not approve the Pritchard's development, it approves the new code allowing for building over existing utility easements.

Bryan also commented the Council may want the input of the Utilities Board.

*Councilmember Anderson moved to approve ECO 22-12, an ordinance amending the Ephraim City Land Use Ordinance regarding construction over utility easements. The motion was seconded by Councilmember Wheeler. Councilmember Stevens voted no. The motion carried 4-1.*

## **2-LOT SUBDIVISION: GEOFF DEARING**

The item calls for discussion and possible preliminary approval for a 2-lot subdivision located at approximately 150 E 700 N consisting of a total of 10 acres in the C2 zone. Mr. Dearing would like to split the property into two lots of five acres each and would sell off the north piece. The back piece is proposed as storage units. Potential other uses in the front.

*Councilmember Wheeler moved to give preliminary approval of a 2-lot subdivision located at approximately 150 E 700 N consisting of a total of 10 acres in the C2 zone. The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.*

## **EPHRAIM CITY RESOLUTION 22-02: STEEL SOLAR 1B PROJECT SCHEDULE**

The item calls for approval of ECR 22-02, a resolution authorizing the Steel Solar 1B Project schedule under agreement with Utah Associated Municipal Power Systems and related matters.

*Councilmember Wheeler moved to approve ECR 22-02, a resolution authorizing the Steel Solar 1B Project schedule under agreement with Utah Associated Municipal Power Systems and related matters. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.*

## **EARLY RETIREMENT AGREEMENT**

This item calls for approval of an agreement of early retirement for City Recorder, Leigh Ann Warnock.

*Councilmember Alder moved to approve an Early Retirement Agreement with City Recorder, Leigh Ann Warnock. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.*

## **APPOINTMENTS AND COUNCIL REPORTS**

### **Tyler Alder**

**Recreation Board** – Board discussed basketball season. Good feedback has been received. Soccer signups start in two weeks.

### **Margie Anderson**

**Youth City Council** – The youth are going to Leadership Conference tomorrow at the Utah State University.

### **Richard Wheeler**

**Senior Board** – Rental rate for the senior center has gone from \$75 to \$100. The cleaning deposit has gone down.

### **Mayor Scott**

**Mayors and Commissioners Meeting** – It was reported \$587 per family per month is required to keep up with recent inflation. This is the highest inflation place in the United States. We must factor this into everything we do with the City.

**CLOSED SESSION**

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

*The Closed Meeting began at 8:59 p.m.*

*At 10:39 p.m. Councilmember Wheeler moved the Council adjourn the closed session and reopen the public meeting. The motion was seconded by Councilmember Lund. 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 8:39 p.m. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.*

The next regular City Council meeting is scheduled to be held on Wednesday, April 4, 2022, 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