

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH
WEDNESDAY, APRIL 7, 2021
6:00 PM

CALL TO ORDER

The Ephraim City Council convened in a Regular City Council Meeting on Wednesday, April 7, 2021, in the City Council Room. Mayor Scott called the meeting to order at 6:08 p.m.

OPENING CEREMONY

Rajan Zed, President, Universal Society of Hinduism offered an invocation. Councilmember Alder led the audience in the Pledge of Allegiance.

ROLL CALL

MEMBERS PRESENT

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

Jonathon Bodrero thanked the Council for their generous monetary support of the Easter Egg Hunt held last weekend at the ballfields. The majority of the public followed COVID restrictions. He gave a shout-out to the Scout Troop and the Ephraim Youth City Council for helping at the event. Councilmember Anderson read aloud a thank you card from the Lions Club.

PRESENTATIONS

RECOGNITION OF SERVICE: JEREMY HALLOWS

Mayor Scott recognized Jeremy Hallows for his many, many years of service as part of the Manti/Ephraim Airport Board. He commented Jeremy was the one who established the annual Fly-in at the airport. He has been the board chair for several years. Jeremy expressed his appreciation of the opportunity to serve the community and encouraged continued Council support for the airport which is an economic boon for the community.

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of April 5, 2021.

Councilmember Alder moved to approve the April 5, 2021 Warrant Register as presented. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.

APPROVAL OF MINUTES

The Council reviewed the minutes of the January 23, 2021 Annual Council Planning Meeting and the March 17, 2021 Work Meeting and Regular City Council Meetings.

Councilmember Anderson moved to approve the January 23, 2021 Annual Council Planning Meeting and the March 17, 2021 Council Work Meeting and Regular City Council Meeting Minutes as presented. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

LAND USE MAP AMENDMENTS/GENERAL PLAN AMENDMENT: LINDSEY FIELD

Lindsey Field has petitioned to amend the Ephraim City Land Use Map by rezoning property located at 44 West Center Street from Single-Family Residential Zone (R1A) to Central Business District Commercial Zone (C1).

She has also petitioned to amend the Land Use Map to rezone property located at 64 West Center Street from single-family Residential (R1A) to High Density Residential (R4), and to amend the Ephraim City General Plan for this property from Medium Density Residential (MDR) to High Density Residential (HDR).

City Planner Devan Fowles explained the discussion would include all three petitions but would require separate motions. The Land Use amendments refer to the current zoning. He clarified that approving the first two over 64 W. Center and then denying the last one over 44 W. Center would create an island, which is frowned upon by the State. Manti Telephone, whose property is located adjacent to the Field property, has agreed to rezone to Commercial so an island is not created. The existing commercial zone would be extended over the 44 W. Center property allowing for commercial use and up to High-Density Residential. The property owners of 64 W. Center are applying to have the General plan amended from Medium-Density Residential (MDR) to High-Density Residential (HDR) and the zone changed from Single-Family Residential (R1A) to High-Density Residential (R4) over their property and they are applying to change the zoning over the 44 W. Center property from Single-Family Residential

(R1A) to Commercial (C1). In order to have the 64 West Center property changed to R4, the General Plan must be amended to High-Density Residential zone. Currently the Medium-Density Residential General Plan zone allows for use up to an R3, but residents would like the opportunity to maximize their density if they so choose. R1A is Residential Single-Family Historic Zone. After conducting research regarding Historical Zones, it was found that approximately 25 years ago, an Historical zone was created in Ephraim with the intent to protect buildings of an historic nature. No ordinances were passed at that time to make the intent enforceable. The language used at the time is nebulous or restrictive, now forcing the City to deal with the repercussions. The initial designation included the part of Main Street housing the Bishop's Storehouse, Co-op, and Granary. It is speculated the Historic Zone was meant to continue around that intersection to include the strip from 50 W to 100 W, but no one knows for sure. Not many historic buildings have been preserved in the area. It is difficult to make a determination based on historical reasons. The Planning Commission determined that as the applicant was hoping for a Commercial Zone, they asked them to come back with a proposal for R4. They complied, and the Board then recommended approval by the Council.

Lindsey Field was present to provide a bit of history of what they went through with the Planning Commission and to give the Council a clearer understanding of what they would like to do with the property. They reside at 64 W Center Street, across the street from Hermansen's. They typically don't mind the extra traffic, but often semi-trucks will park in front of their home to unload. Their home is also next door to the telephone company, and their backyard is the Senior Center. She produced pictures showing semi-trucks blocking their home and said they had lived with this for the past 20 years.

In preparation for the proposed zone change, neighbors were contacted and only one neighbor to the west was not supportive of the zone change. They are surrounded by commercial, but because of opposition of the neighbor, they compromised by petitioning for R4 rather than Commercial. The Planning Commission had explained to them that steps in zoning from high-density Residential to commercial was preferable to a jump from low-density Residential to Commercial.

Denny Parry commented he is the neighbor who lives west of the Fields' and were against the R4. He said R3 would have been a better solution for them, but they understand Lindsey's concerns and will not argue. Their house is historic but not registered. The telephone company building is also historic. Mr. Parry felt the Planning Commission should change the Historical Zone if there will be buildings that are not historic.

Councilmember Wheeler moved to approve an amendment to the Land Use Map by rezoning property located at 44 W Center Street from Single-Family Residential (R1A) to Central Business District Commercial Zone (C1). The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.

Councilmember Anderson moved to approve an amendment to the General Plan on property located at 64 West Center Street from Medium Density Residential (MDR) to High Density Residential (HDR). The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

Councilmember Stevens moved to approve an amendment to the Land Use Map to rezone property located at 64 W Center Street from Single-Family Residential (RIA) to High Density Residential (RA). The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

CONDITIONAL USE PERMIT: ADVANCED PROPERTIES

Devan Fowles stated that Shawn Layton had gone through a zone change a couple of weeks ago to have the Commercial Zone extend over their property for higher density. They are now applying for 5 four-plexes, for a total of 20 multi-family units. All buildings would be required to go through the check list items for a Conditional Use Permit. The property is inside City limits.

Shawn Layton, a local builder from Manti, addressed the Council and said he had been building housing in Ephraim for 10 years. He would very much like to provide quality, affordable housing in the city. His plan includes three-bedroom townhomes with garages. Mayor Scott commented townhomes are becoming more and more the starter homes young couples would buy to break into the housing market and that the city needs more of this kind of housing. Mr. Layton said that in the future, he may want to build additional units and is willing to sign an annexation agreement if he extends onto adjacent property that is not in City limits. He would like to break ground this summer, if possible.

Bryan Kimball pointed out things discussed by the Planning Commission as the petition went through the review process. With a CUP, the City can look at the surrounding neighborhood and the Board have recommended a step-down approach. The property is zoned Commercial along the highway, with potential Ag or Industrial Ag on the east side. Given those considerations, it was felt the use of HD or MD was a good way to step down from a high use to other uses. They have been encouraged to build with more of a medium density look for that property rather than single-family homes. Future roadways will be required as these phases come in. Approval was made with the expectation that annexation would be required for future phases.

Devan added the Planning Commission voted unanimously to recommend approval to the Council with the condition the applicant complies with Ephraim City Code and Staff recommendations.

Councilmember Alder moved to approve a CUP for Advanced Properties to build a 20-unit multi-family development on property located at approximately 155 E 700 N with the condition he comply with City Code and Staff Recommendations. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.

AGREEMENT: SUNRISE ENGINEERING

A work release and contract with Sunrise Engineering to help update the Transportation Master Plan and other Traffic Related planning documents. They already had a model built and felt it was the most reasonable way to go. 6.7% grant, everything else from UDOT. Update master plan, access management plan. Want to make sure UDOT is on board and approve accessed

proposed with the new development. Make sure we have corridor preservation. Hoping to get the designation of the road to allow for future grants for master planned roads. In the amount not to exceed \$65,000, of which the City would pay 6.7%. This would come out of the FY 2020-2021 budget.

Councilmember Wheeler moved to approve an agreement with Sunrise Engineering for updating the Transportation Master Plan and other traffic related planning documents. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.

CONTRACT: REC CONCESSIONS

The Concessions would run for youth programs, Sanpete shootout, and Snow College softball and baseball games. The Rec Board has selected Sapphire Catering from Moroni. They have a good menu at a price that is a win/win for both the City and the Company. The City would receive 5% of sales. They would also run a booth at the Scandinavian Festival.

Councilmember Anderson moved to approve a concessions contract for the Snow College Sports Complex to Sapphire Catering. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.

GRANT APPLICATION: LAND AND WATER CONSERVATION FUND

The Recreation Director is applying for a grant from the Land and Water Conservation Fund to help pay for the planned skate park. It is a 50% grant and Rec Director Michael Patton plans to use CDBG money for the match. A copy of City Council minutes is required as part of the application, acknowledging the City approved and wished to move forward. The skate park will be located at the Canyon View Park, east of the Fire Station.

Councilmember Alder moved to approve the Land and Water Conservation Fund Application for the Recreation Department. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.

GRANT: LAST-DOLLAR GRANT

The Recreation Department has received a Last-Dollar Grant in the amount of \$50,000 for the all-abilities park. The City would be responsible for a \$71,000 match by June 30, 2021. Michael and the Rec Board will be busy with fundraising efforts. The City cannot put any more money toward the project than what has already been contributed. When applying for grant, the City is committed to \$78,000 of in-kind City funds. That would be replaced with money in the budget for the next Fiscal Year. The Youth City Council and local Scouts would help with the in-kind work by helping City crews install the equipment. A fundraiser is also planned at the Scandinavian Festival.

Councilmember Wheeler moved to approve the Last-Dollar Grant for the all-abilities Park. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

AIRPORT CONTRACT AMENDMENTS

Shaun explained as per these contracts, Jviation would be working as the Engineer on two projects at the Manti/Ephraim Airport.

1. **Runway 3 Taxiway Turnaround Project** – project will commence at the south end of the runway enabling planes to use the turnaround and the full length of the runway. The project is funded by FAA with participation of UDOT. A pre-bid meeting was conducted for this contract.
2. **UDOT Fiscal Year 2021 Pavement Maintenance** – project will provide crack sealing of the runway and seal coating on the ramp apron to ensure they are both kept in good order. The company Straight Stripe will be completing the project as they had lowest bid. This project will be the first of the two projects completed. Both should be happening soon. With FAA funds, we will be fully funded and not have to contribute to these projects.

Staff recommended moving forward with Amendments One and Two for these projects.

Councilmember Wheeler moved to approve airport contract amendments for Jviation for the Runway 3 Taxiway project and the Pavement Maintenance project. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

RESOLUTION ECR 21-03: ARBOR DAY

ECR 21-03, a resolution proclaiming a special day be set aside for the planting of trees. A yearly proclamation is required to maintain a Tree City status. The recommendation is that the City plant six or eight trees per year.

Councilmember Wheeler moved to approve ECR 21-03, a resolution proclaiming a special day be set aside for the planting of trees. The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.

CANCELATION OF REGULAR COUNCIL MEETING

Councilmember Wheeler moved to cancel the regular City Council meeting for April 21, 2021. The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.

The next Regular Council Meeting will be held on April 28, 2021.

APPOINTMENTS AND COUNCIL REPORTS

Bryan Kimball announced that with the recent request for variance, an appeal authority would need to be appointed that can adjudicate for the City. In the past, the City had a Board of Adjustments for appeals and adjustment. The Board was dissolved when Utah law no longer required one, and when the City needed an appeal authority, they called upon the County Planner, or an attorney provided by the Utah League of Cities and Towns. It is important that the person or persons used, must have background in land use law. The options currently available include the County Zoning Administration, the County attorney, other counsel, or the Utah League of Cities and Towns. Such cases would be handled on a case-by-case basis, and

the City could be any one of the qualified people on the list. Concern was expressed that the current Planner for the County has only five month's experience. A cost would be associated with appeal service and it was recommended it become a past due cost for future applicants; in this case, it is difficult to give a past due cost as they have already submitted their application and paid the fees.

Mayor Scott commented he would be comfortable with the ULCT as they know the law and are qualified.

Councilmember Wheeler moved to appoint the Utah League of Cities and Towns as Appeal Authority for the City and give Mayor Scott signature authority. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.

Tyler Alder

Cemetery – Want a flagpole set up at the Pioneer Cemetery. There is no power out there and a solar light has been mentioned. They will be using a pole that is currently at the Senior Citizen's Center. They are busy planning the Memorial Service at the Park Cemetery. Flags will be put up. The Board would also like a space force flag.

Recreation Board – Soccer is going on. Softball and baseball signups are done, and we have more than last year. Adult volleyball will be done this month.

Margie Anderson

Youth City Council – Kept very busy in spite of COVID. Service to the Senior Citizen Center, day retreat at Arnoldson's cabin and learned leadership skills. Will utilize some of the new council to help with Scandinavian Festival events. They help plant trees and will serve food at a fun run. They are a great group. Mayor commented the two advisors, Corrine Olsen and Juli Arnoldson, are incredible and have invested a lot.

Housing Authority - since no more funding or lots available, that board will reconvene in February of 2022.

Miss Ephraim Workshop – The pageant will be the 3rd Saturday of May.

Richard Wheeler

Airport Board – talked about the grants and monies involved and Javiation has helped quite a bit.

Lloyd Stevens

Scandinavian Festival – Things are moving forward very well. Invitations have gone out to the Governor, who has accepted, to be in the parade. Invitations have also been sent to the Utah Highway Patrol for their motorcycle squad. Have not heard on that yet. The Board is a well-oiled machine.

Alma Lund

Fire Board – Hot time in the old town tonight! There have been many calls in the past two weeks. Shaun said we have been sending crews out all hours. On Monday, there were different fires. Firefighters took care of two in one call-out. There have been nine runs since April 1st. Six of those were due to one entity.

Mayor Scott

Camino Verde Group– Met with Mike Ballard, who brought an investor to the meeting. They have sold three houses already and expect 2 of those homes to be finished June 15th. They will be here on the 28th for approval of the remaining lots, He has seen a lot of interest from potential investors.

DEPARTMENT REPORTS

Cory Daniels, Power Director

UAMPS– Cory updated the Council on UAMPS proceedings.

Emergency Generators have been ordered. They are at least 12 weeks out.

Ace Hardware is coming up. Crews are busy.

New Employee – We hired an apprentice lineman, Chance Christiansen from Ephraim. He has roots here and plans to stay long-term. Starts April 12th. Mayor asked him to bring him to the next CM to be introduced.

HYDRO – We are taking the hydro off-line for 10 days. May see a bit of difference in the power bill.

Jeff Jensen, Public Works Director

Cleanup – crews working hard on cleanup. Some people are putting things out for pickup. The big dumpsters are up. Lot of compliments and people appreciate the service.

Certification – Preston Bown passed his next certification. He can now work on the sewer side as well.

Aaron Broomhead, Public Safety Director

Busy – police are busy with the warm weather. We will see an increase in people being out increasing calls.

Scandinavian Days will put huge pressure on Public Safety. Will be recruiting some of the firefighters to work in shifts during the festival. With the parade extended, it will require more intersections to be shut down. Working to get staffing worked out for that. Will have to dip into other resources for that. Can use county officers, off-duty officers or those on our part time list and firefighters.

Fire Department – Very busy since April 1st.

Michael Patton, Rec Director

Feasibility Study – We have put out a request for qualifications for feasibility study for the new recreation area. Should have a recommendation at the next meeting.

CITY MANAGER REPORT

Antonio Jimenez – Antonio’s Affordable housing wasn’t discussed in Work Meeting. He bought the trailer park at 200 W and would like to remove the trailers and build homes in a similar footprint. They will be 2-bedroom homes in a 50’ long position. There are a couple things to remember: 1) as the owner, they will continue to own the homes and not allow building on. Meters will be installed at each location. Owner of the area will be taking care of the landscaping to give a uniform look to all the homes. In the center, there would be 5 three-bedroom homes with extra parking built in. Individualized storage may be added.

Bryan said as Staff, it is exciting to see the proposed improvements. Lot of negative history with this park in the past. Want to make sure Council is informed and agree to the direction headed in allowing this in the park. If you replace a trailer with another trailer, we have allowed that. He is building these homes and want to ensure as he is transitioning the park over, if he needs direction or thoughts on how to proceed, we will be there. Normally new construction would go through approval process of CUP or PUD which allows more flexibility. This is not brand-new development and asked the Council if he should go through the PUD process or acknowledge he is replacing existing trailers with homes in the same footprint.

Council all felt it would be beneficial to move forward. He is doing it in phases, so he doesn’t displace residents as he builds. Some of the pads don’t meet setback. He is grandfathered in and not required to meet current setbacks. We think spacing, access and utilities will all be fine. These are now permanent buildings and could be equivalent to a tiny home development. Need to talk with him about fire code and safety, but acknowledge he is grandfathered in with the same footprint. Staff preference that sidewalk be installed. Shaun wants to make sure we consider all of it here.

The other thing considered as long as it’s built in a similar footprint, but 3 larger buildings, that could be part of a formal approval because it is in a different footprint. Proceed on the south side on first phase and come back for approval on the larger homes. Council gave direction to move forward on what he has stated. Follow-up questions included, do you want a sidewalk or is it grandfathered in without? Brian Page wanted them to be aware of precedent set for someone else wanting to be grandfathered in with the original footprint. Mayor said it would be a case-by-case basis, but this needs to be done. He has applied for the first three units. Permits would be granted, and we will see movement very quickly.

WATER - An Anonymous letter was sent to the Mayor and Council regarding the water situation. Shaun read the letter. They questioned why the City is approving public housing when we have no water? Since 2018, a lot of improvements have been made on the water system including a new well that is up and running this year. We have enough water for indoor use. It is outdoor use in late summer that causes the need to close it down. We are where we should be for state requirements and feel we are a step ahead right now and plan to stay ahead. We added over a million gallons per day in 2018. In two years, we will have doubled the

previous capacity of water supply. We have purchased a large quantity of water shares in the last two years. The Mayor encouraged residents with concerns to please come to City Council so we are able to address their specific concerns. Staff is also available at the city offices all week and could answer questions and concerns. He requested residents sign their letters, as they are difficult to address anonymously.

New Employee – We currently have a part-time minutes clerk position. We are seeing a need for that position to take on additional responsibilities for the Community Development Department. For starters, we would like her to take over business licenses and cemetery board duties to free up some of Devan and Randi’s time. Steve asks that she go full-time now as some of those duties are behind. We have taken steps to move Devan into what was our copy room. His space could be used by this new full-time person. Council was good with going full time immediately. It’s easier to justify a full time position with benefits since she will be benefitting three departments.

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) purchase, exchange, or lease of real property, and (e) sale of real property. The motion was seconded by Councilmember Wheeler. A roll call vote was called. Voting yes: Councilmembers Scott, Stevens, Wheeler, Anderson, and Alder. The vote was unanimous. The motion carried.

The Closed Meeting began at 9:05 p.m.

At 9:57 p.m. Councilmember Alder moved the Council adjourn the closed session and reopen the public meeting. The motion was seconded by Councilmember Stevens. 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 9:57 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 28, 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