

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH
SEPTEMBER 4, 2019
6:00 PM

CALL TO ORDER

The Ephraim City Council convened in a Regular City Council Meeting on Wednesday, September 4, 2019, in the City Council Room. Mayor Scott called the meeting to order at 6:00 p.m.

OPENING CEREMONY

Rodney Zediker, Pastor of the Church of the Bible, offered an invocation. Dane Seely, a local Boy Scout, led the audience in the Pledge of Allegiance.

ROLL CALL

MEMBERS PRESENT

John Scott, Mayor
Margie Anderson, Mayor Pro Tem
Tyler Alder
Rob Nielson
Greg Boothe

MEMBERS EXCUSED

Richard Wheeler

STAFF PRESENT

Shaun Kjar, City Manager
Bryan Kimball, Community Dev.
Leigh Ann Warnock, City Recorder
Steve Widmer, Financial Director
Devan Fowles, City Planner
Cory Daniels, Power Director
Aaron Broomhead, Police Chief

PUBLIC COMMENT

Amy Hansen

There has been a lot of debate for Antonio's project. The house is already zoned as high density, it makes sense to me that you get all high density and R4 zoning. The project would add value to City's infrastructure by widening the street and adding lighting. With the right zoning and development enforced, contractors would be able to build. Antonio is not proposing a project that he will not be personally responsible for. He is hardworking, smart and by far the best choice she has seen in 19 years to develop that property. She supports Antonio and suggests the Council seriously consider granting the zone change.

MOTION AGENDA

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of September 4, 2019.

Councilmember Anderson moved to approve the September 4, 2019 Warrant Register as presented. The motion was seconded by Councilmember Boothe. The vote was unanimous. The motion carried.

APPROVAL OF MINUTES

The Council reviewed the minutes of the August 5, 2019 Special City Council Meeting and the August 21, 2019 Work and Regular City Council Meetings.

Councilmember Alder moved to approve the August 5, 2019 Special City Council Meeting and the August 21, 2019 Work and Regular City Council Meeting Minutes as presented. The motion was seconded by Councilmember Boothe. The vote was unanimous. The motion carried.

APPROVAL OF STAFF RECOMMENDATIONS

CONDITIONAL USE PERMIT: MICHAEL HATCH

A Conditional Use Permit (CUP) application has been submitted for Michael Hatch to build a proposed 39-unit Condo at 330 North Main. Bryan Kimball commented the location is where the old motel used to be on Main Street.

Mike Hatch presented to the Council and thanked them and staff. It was expressed to him by the City that there was a need for family housing. Tasteful features and architecture are planned. It is an awkwardly shaped parcel; engineers had trials fitting everything in. The playground will be in a visual area, but off Main Street. 39 covered parking spots will be provided in the front of the buildings. 2 parking spaces are required for each unit. They will be providing 2 plus 6 more, plus there will be some RV parking available. All the condos could be for purchase, but could all be rented for now, so the market is not flooded. One-year contracts will be offered to families and married students. They will not be renting to multiple single students per unit.

Bryan said comments were received from neighbors concerned about increased traffic at the intersection on 300 North. Semi-trucks pass along that highway with many accidents and near misses. UDOT controls the traffic controls. Ephraim can make sure sufficient signage is in place and possibly a crosswalk added. Ephraim can request a traffic measurement from UDOT, but even the intersection by Walmart doesn't warrant a traffic light. It is determined by cross-traffic, not just traffic up and down highway 89. They meet all requirements for parking and set-backs. Staff has recommended approval of this CUP as has the Planning Commission. They will need to work out with staff some of the last few utility details which are not an issue. Councilmember Nielson suggested a sign be put on the Main Street exit that

they may only turn right like they do at the bank. Bryan felt that would be a reasonable request. There are two entry points which will help the situation a lot.

Councilmember Boothe moved to approve a conditional use permit for Michael Hatch to build condos at 330 North Main as recommended by Staff and the Planning Commission. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.

CONDITIONAL USE PERMIT: AMY JORGENSEN

Amy Jorgensen has applied for a Conditional Use Permit for a proposed shed remodeled into apartments at 97 East 100 South. The proposal is to remodel that shed into a 3-unit accessory apartment.

Amy Jorgensen lives at 100 East and 100 South which is zoned R3 C1A with a historical overlay. She is concerned about preserving that historic status of the buildings and has worked with an architect who has worked with historical projects and came up with something that does not detract from the historical feel and appearance. Housing is needed in Ephraim and she would like to do something which speaks to the historic areas of Ephraim. Amy will be living in the home. Parking meets the ordinance requirements. There will be three studio apartments with three levels.

Bryan assured the Council the property is zoned correctly. The codes allow for this project by Conditional Use Permit. Planning Commission voted unanimously to approve the project based on Staff recommendations.

Councilmember Boothe moved to approve a Conditional Use Permit for Amy Jorgensen at 97 East 100 South based on Staff recommendations. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.

RESOLUTION AGENDA

ECR 19-16: RED MESA RESOLUTION

A resolution authorizing the Red mesa Tapaha Solar Project Transaction Schedule under the Power Supply Agreement with Utah Associated Municipal Power Systems; and related matters. Ted Olson presented the resolution to the Council and explained that Red Mesa is in the southeastern part of the state on the Navajo Reservation, designed to be a 66 megawatt facility covering many acres of ground. The Navajo Tribal Utilities has already constructed two facilities and are experiencing success. The resolution is an agreement with UAMPS to participate in this project, designed to come online in June of 2022. Ephraim would be participating for a 25-year time. The arrangement is that the power would be routed by Rocky Mountain Power's Transmission System interconnected at the Four Corner substations they have near there. The expiration is December 1st of 2022 at which time Ephraim would have the opportunity to exit the agreement or UAMPS could assume control and operate the project. The initial charge would be \$23.15 per megawatt hour with an escalator. At the end of the 25-year period it would be

\$27. Solar is not the same as a base load resource which peaks at noon, but Ephraim use peaks at about 6:00 p.m. The Utilities Board feels the agreement is in the best interest of the City. Penalties and conditions apply between UAMPS and Navajo Tribal Utility that protect us so that we are not spending money. We will only spend money when we finally take power from the project. As the City continues to grow, we feel this is a wise decision for the future.

Councilmember Anderson moved to approve ECR 19-16, Red Mesa Power Project Resolution. The motion was seconded by Councilmember Alder. A Roll Call vote was taken. Abstaining: Councilmembers Nielson and Booth. Voting yes: Councilmembers Anderson and Alder. Mayor Scott voted yes to break the tie. The motion carried 3-2.

RESOLUTION ECR 19-17: EPHRAIM FEE SCHEDULE

A resolution amending the Ephraim Fee Schedule to reflect changes to power demand charges. Removing the language “if total usage is over 6000 KWH.” This is not permitting correct billing and the changes take care of that. The Utilities Board has voted in favor of the adjustment.

Treasurer Candice Maudsley showed an example of a building that has low usage during the week and skyrockets on Sundays. Because energy amount during the week is so low we have high KW but the KWH is lower. With the way it is written now, they were billed \$469 dollars. With the change, they would be billed \$328. We currently have to remove amount from individual bills, but with the new plan they will be billed accurately for what they use. Have Candice review.

Cory feels our infrastructure needs that help to pay for the transformers and equipment and this might help customers utilize their energy as well. Ted commented that our current fee is 20-30 years ago. It doesn't fit in today's world. The demand is like having a generator large enough to supply the energy that you need and if somebody goes up and then down, it doesn't matter, you still have to have a generator big enough to meet it even though it is not being utilized at all times. The Utilities Board decided it was time to take the 6000 KWH out of the fee schedule.

Councilmember Nielson moved to approve ECR 19-17, a resolution amending the Ephraim Fee Schedule to reflect changes to power demand charges as presented. The motion was seconded by Councilmember Boothe. The vote was unanimous. The motion carried.

ORDINANCE AGENDA

ORDINANCE ECO 19-03

Cross Connection Control Policy and Ordinance for the control of backflow and cross connections to keep contaminants out of the water system. This is a policy and ordinance update with language that is requested by the State. If approved tonight, it would be added to current policy. It gets specific about a number of items that would allow fluid to

backflow. Ephraim is a primary system with no secondary system, so it would be required on all building until such time as we have a secondary water system.

Councilmember Anderson moved to approve ECO 19-03 an ordinance to control backflow and cross connections as presented. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.

ORDINANCE ECO 19-04

ECO 19-04, an ordinance amending the General Plan Land Use Map at approximately 75 West 300 North from MDR Medium Density Residential to C Commercial or HDR High Density Residential. Bryan explained this is an existing piece with an existing duplex. Applicant desires to add another home and an additional duplex. The original request was to C1 thinking they could expand and still accommodate high use. Comments at a public hearing showed the neighbors were okay with the high density but not the commercial aspect. As suggested by the Planning Commission, the ordinance changes the property from medium density residential to high density residential which would still allow them to do the same thing. This ordinance simply changes the zoning at this point.

Councilmember Anderson moved to approve ECO 19-04, an ordinance amending the General Plan Land Use Map for the requested zone change at 75 West 300 North as presented. The motion was seconded by Councilmember Boothe. A Roll Call Vote was taken. Voting yes: Councilmembers Alder, Anderson, and Boothe. Voting No: Councilmember Nielson. The motion carried 3-1.

ORDINANCE ECO 19-05

ECO 19-05, an Amendment to the Zoning map at 75 West 300 North from R2 Medium Density Residential to R4 High Density Residential.

Councilmember Boothe moved to approve ECO 19-05, an ordinance amending the Zoning Map for the requested zone change at 75 West 300 North as presented. The motion was seconded by Councilmember Nielson. The vote was unanimous. The motion carried.

ECO 19-06 – amending the General Plan Land Use Map

Antonio Jimenez would like to develop a 5-acre parcel which is currently vacant. Request was received to change from the zone from LDR Low Density Residential to HDR High Density Residential. He would like to build a four-plex for families. The Planning Commission had mixed feelings after their discussion. A number of the neighbors are against the zone change. Residents on the east of this parcel have opposed the rezone. Those in favor support the proximity to the college and other large housing in the area and the need for diverse housing in the sense of more family housing and less student housing. Concerns include increased traffic, speed of traffic, worry for property values and the need for a buffer from the apartments to their single-family homes. After several hours, the Planning Commission voted to delay the project until the General Plan could be amended so that improvements could be made to entire parcel at once.

Councilmember Nielson expressed opposition not to the project, but to islands of zoning created in the City. Kevin Christensen owns property adjoining the property 2 acres to the west. If approved, he will have an application turned in with the month to do the same thing and would want it zoned R4, as would another developer. Mayor Scott expressed concern about road size, curb and gutter and resident safety. Councilmember Anderson felt some of the road on 100 South is private property on one side. Bryan commented when Palisades came to town, they were required to widen the road from a farm lane to full access. Eventually you go from a little lane to widening the asphalt with curb gutter and sidewalk as they build out on the property.

Councilmember Nielson asked if the developers offered to pay for that road, would that work? Bryan explained we can't just take private property without compensation for it. He would rather work with property owners than force something like that. With the three developers working together at the same time, there would be a lot more options. The zone change as proposed would allow those conversations to happen but is not a guarantee of final approval for the project.

Amy Andreason commented that she was present representing the neighborhood. A signed petition was presented to the Planning Commission. Before you consider making a change to that zoning, it seems to them that the primary interest is financial and not necessarily for the betterment of the city. As far as the neighborhood is concerned, they are worried about changing of demographics in the community in that multi-family housing will cause high turnover, less accountability, you don't know the neighbors, and less care of the property which can lead to other problems such as domestic problems and safety issues. Traffic comes very fast around that corner. There are already vacancies in the current multi-family housing. If we could maintain low density residential, we could make room for married students by including those units in low-income housing filling that need without crowding issues.

A three-minute break was called.

Councilmember Nielson moved to table ECO 19-06 until the General Plan is updated. Councilmember Anderson seconded the motion. A Roll Call Vote was taken. Voting Yes: Councilmembers Anderson, Nielson and Boothe. Voting No: Councilmember Alder. The motion carried 3-1.

Mayor Scott requested more information about development of the road and possibly a meeting with developers to discuss how the concerns of the neighbors will be addressed.

ECO 19-07 Amending the Zoning Map

Councilmember Nielson moved to table ECO 19-06 until the General Plan is updated. Councilmember Anderson seconded the motion. The vote was unanimous. The motion carried.

APPOINTMENTS AND COUNCIL REPORTS

Tyler Alder

Cemetery – The board meets next week after not having met all summer.

Recreation Board – Soccer has started, and volleyball starts in a couple of weeks. Shaun commented Sports Site, Ephraim’s current online program is being replaced by MyRec which will make things much easier for Staff and has better communication options that will allow for messaging and communication between coaches and parents. Donnie said it will tie into our current payment system. Steve explained that Express Bill Pay has specifically written programming that will fit in with this company.

Margie Anderson

Youth City Council – meets in a few minutes.

ECHA – opened the bid on one lot which was awarded to Todd Alder. Mayor Scott asked if Six County is going to work with ECHA on some self-help homes. Margie said Six County could not find enough interest and so they probably will not move forward with that any time soon. ECHA has relied heavily on the Olene Walker fund, but it has been discontinued in the last legislative session. It is a matter of ECHA taking money and buying property somewhere, but that would take everything they have. The Olene Walker loan for Hidden Creek is paid off.

Rob Nielson

Airport Board – The Sanpete County Fly-in is Saturday 10 am to 2 pm.

Mayor Scott

On Saturday our City faced a crisis. A fire came within 100 yards of Terry Lund’s house. He plowed to knock down weeds and then the wind shifted, and flames headed up the canyon. It was a serious situation and our Fire department acted admirably. Many houses were at risk as was our watershed. The County was there ready to help and take over management of the fire once it left City boundaries. The fire was caused by a welding accident where a spark got into the grass. This serves as a reminder to all that we need to be extremely careful. Conditions are ripe for wildfires. Both the Power and Public Works Departments had crews out taking care of things. Our City Manager was there directing things and getting updates. Shaun commented the next step would have been evacuations. It was good to have the Mayor there and the Fire Chiefs there.

DEPARTMENT REPORTS

Bryan Kimball, Community Development Director

Well – Every option has been put on the table with the engineers. They have considered options, costs, and timing to get the very best scenario out of the well given current circumstances. The well is not producing what we were hoping. We are looking at different options; a lot of time has been spent on this. We are going to treat

the well with Aqua Clear and work that down into the formation as much as we can. That will help clean off the well screen.

Devan Fowles, City Planner

We are getting lots of applications for business licenses for rentals. One Mexican food truck application just came through.

CITY MANAGER REPORT

Signs - The splash pad and canyon view signs are being selected. The electronic Sign for the north business subdivision has been ordered. The Power Department will help install that to cut costs and then we will receive training on how to present and program items.

Banner Approval – We changed the ordinance for banners and flags to be City Council approved. We have had a request on a banner to go across highway 89 that is college owned, so that will be coming to you for approval.

City hall Roof – Leaks on the roof of City Hall have been repaired. The holes were quite large.

Airport – The airport has a helicopter in residence as they are using our airport as a base for two fires. They might be here through the weekend during the fly-in, but not sure. They may be called to another fire. Smoke jumpers are coming in, landing and refueling.

Fire – The Saturday fire was a scare. A number of people were responding on a holiday weekend. There have also been other issues where police and EMTs respond in difficult situations very professionally is very humbling. It is good to see people helping. The response that comes from other cities was phenomenal. He suggested encouragement for everyone to remove any fuels off of Main Street and to remove weeds over 12”. Just because we are in town, it doesn’t mean we are safe from fires spreading.

ADJOURNMENT

There being no further business to come before the Council for consideration, Councilmember Alder moved the Regular Council Meeting adjourn at 8:33 p.m. The motion was seconded by Councilmember Boothe. The vote was unanimous. The motion carried.

The next regular City Council meeting is scheduled to be held on Wednesday, September 18, 2019, starting at 6:00 p.m. in the Ephraim City Council room.

MINUTES APPROVED:

Mayor

Date

ATTEST:

City Recorder

Date