

ESCALANTE CITY COUNCIL MEETING
APRIL 1, 2025
REGULAR MEETING/ELECTRONIC MEETING – 6:00 P.M.
WORK MEETING – 6:00 P.M.
ESCALANTE CITY COUNCIL CHAMBERS - 56 NORTH 100 WEST

Mayor Melani Torgersen called the meeting to order at 6:00 p.m. in the Escalante City Council Chambers.

Present at said meeting were Mayor Torgersen, Council members Blaine Porter, Sally Orme, Lenza Wilson, Marlene Stowe, City Attorney Barry Huntington and City Recorder Stephanie Steed. Council member Chad Lyman joined electronically.

Also present were Fred Spencer, Bill Weppner, Lawrence Barnes, Julie Brugger, Victory Crawford, Bailey Griffin and Terence Tontlewicz.

Ashley Coombs joined electronically.

Mayor Torgersen led the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Council member Porter moved to adopt the agenda as written. Council member Orme seconded the motion. Motion carried with Council members Stowe, Lyman, Wilson, Orme and Porter voting aye.

APPROVAL OF THE MINUTES OF MARCH 18, 2025 MEETING

Council member Orme moved to approve the minutes of the March 18, 2025 meeting as written. Council member Stowe seconded the motion. Motion carried with Council members Wilson, Orme, Lyman, Stowe and Porter voting aye.

PUBLIC COMMENTS

There were no public comments at this time.

PLANNING AND ZONING ITEMS

PLANNING AND ZONING UPDATES

There were no Planning and Zoning updates at this time.

SCHEDULED ITEMS

EHS CHEERLEADERS – COMMUNITY EASTER EGG HUNT DONATION

Bailey Griffin said she is helping coach the EHS Cheerleaders this upcoming 2025-2026 school year. Ms. Griffin said she is asking for a \$500.00 donation to support an Easter egg hunt and future cheerleading activities. Ms. Griffin explains they have twelve people signed up and are hoping to raise about \$2,000 for the upcoming season, potentially including hiring a private choreographer or attending a cheer camp in Orem. Council member Orme moved to donate \$500.00 to the EHS Cheerleaders for an Easter egg hunt and future activities.

Council member Porter seconded the motion. Motion carried with Council members Lyman, Stowe, Porter, Orme and Wilson voting aye.

ORDINANCE 10.06 BOARD OF ADJUSTMENTS

City Recorder Steed explained the Board of Adjustments (BOA) is now known as the Appeal Authority. City Recorder Steed said Escalante City has a BOA of five members but with an Appeal Authority it can be one member. City Recorder Steed said Escalante City charges \$50.00 for an appeal or variance but after researching other communities the fee is from \$100.00 to \$750.00. City Recorder Steed said Garfield County Planner Kaden Figgins is willing to serve as the City's Appeal Authority if the City would like him to. City Recorder Steed said she feels it would be a good idea if the Council appointed Mr. Figgins as the City Appeal Authority due to his neutrality. City Recorder Steed read some of the Apple Valley Ordinance and asked the Council if they would like to move forward with a one-person Appeal Authority like Apple Valley and state the Appeal Authority cannot be a resident or have financial interest in the city. **Council member Wilson moved to move forward with the proposed amendment and work on a one-member basis Appeal Authority. Council member Stowe seconded the motion. Motion carried with Council member Orme, Stowe, Porter, Wilson and Lyman voting aye.**

ORDINANCE 5.08.040 ALCOHOL IN CITY OWNED BUILDINGS OR CITY PREMISES

City Recorder Steed said at this time the City does not allow any alcohol in City owned buildings or on City Premises but has given special permission to events allowing them to serve alcohol. City Recorder Steed said if the Council is interested in giving special permits, she would suggest they add it to the Ordinance. City Attorney Huntington said he feels it is a good idea to add giving special permits and to change the Class B Misdemeanor to an infraction. City Attorney Huntington said he will work on the ordinance amendments if the Council would like him to. **Council member Porter moved to have City Attorney Huntington work on amending the Ordinance as discussed. Council member Wilson seconded the motion. Motion carried with Council members Wilson, Lyman, Porter, Stowe and Orme voting aye.**

DEPARTMENT REPORTS
ADMINISTRATIVE

City Recorder Steed said the budget and financial reports are available for review.

PUBLIC WORKS DEPARTMENT

The Public Works Department was not present at said meeting.

FIRE DEPARTMENT
BILL WEPPNER

Mr. Weppner said since the last meeting there have been no call outs.

Mr. Weppner said the Fire Department has received all the hose from the FEMA grant.

Mr. Weppner said they are going to offer the old hoses to other Fire Departments in the County.

Mr. Weppner said the Fire Department is still raising money for an enclosed trailer to store fireworks. Mr. Weppner explained Citation Oil and gas has donated \$500.00 to the Fire Department for the trailer and he is asking other businesses to donate.

Mayor Torgersen said the Riding Club contacted her asking if the Fire Department would like to help them burn down the stables at the Rodeo Grounds. Mayor Torgersen said the stables are

unsafe and need to be removed. Mr. Weppner said he will talk to Fire Chief Don Porter about burning down the stables as a training for the Fire Department.

COUNCIL REPORTS

MAYOR MELANI TORGERSEN

Mayor Torgersen had nothing to report at this time.

COUNCIL MEMBER CHAD LYMAN

Council member Lyman thanked City Recorder Steed for her help with purchasing the chips for the city roads from the Utah Department of Transportation.

COUNCIL MEMBER LENZA WILSON

Council member Wilson said he is working on the airport house electrical problems.

Council member Wilson said dogs are getting through the fence at the east end of the Airport and he will contact the Public Works Department to help get the fence fixed.

Council member Wilson said he will have a draft ordinance for the next city council meeting on the sewer grease traps.

COUNCIL MEMBER BLAINE PORTER

Council member Porter had noting to report at this time.

COUNCIL MEMBER MARLENE STOWE

Council member Stowe thanked the Public Works Department for installing the signs at the Park and Multi-Purpose building.

Council member Stowe said the Public Works Department has started taking out the flower boxes that are falling apart on Main Street. Council member Stowe said she would like to put concrete in place of the flower boxes and put benches on it.

Council member Stowe said the playground cover is back up and looks good.

COUNCIL MEMBER SALLY ORME

Council member Orme had noting to report at this time.

UNPAID BILLS

Council member Wilson moved to pay the unpaid bills. Council member Stowe seconded the motion. Motion carried with Council members Stowe, Orme, Lyman, Wilson and Porter voting aye.

EXECUTIVE SESSION

Council member Orme moved to go into an executive session to discuss the character, professional competence, or physical or mental health of an individual at 6:22 p.m. Council member Wilson seconded the motion. Motion carried with Council members Orme, Stowe, Wilson, Porter and Lyman voting aye. Present at the executive session were Mayor Torgersen, Council members Stowe, Porter, Orme, Wilson, City Attorney Huntington and City Recorder

Steed. Council member Lyman joined electronically.

Council member Orme moved to go out of executive session back into regular session at 6:48 p.m. Council member Porter seconded the motion. Motion carried with Council members Lyman, Porter, Stowe, Wilson and Orme voting aye.

Council member Stowe moved to adjourn the meeting at 6:48 p.m. Council member Orme seconded the motion. Motion carried with all in favor.

Mayor Torgersen called the work meeting to order at 6:52 p.m. in the Escalante City Council Chambers.

Present at said work meeting were Mayor Torgersen, Council members Stowe, Wilson, Orme, Porter and City Recorder Steed. Council member Lyman and City Attorney Huntington were excused.

There was no one else present.

The work meeting was to work on the 2025-2026 Budget.

The work meeting adjourned at 7:27 p.m.

Stephanie Steed, MMC
City Recorder

Date minutes approved:



CITY COUNCIL MEETING AGENDA ITEM REQUEST

1. The undersigned, request(s) the opportunity to present the following matter in city council meeting (please be as clear and specific as possible)

- 1) Can city employees install art festival shade clothes for heritage festival? Art Festival gave us permission & access.
- 2) No sprinklers May 30 - 31 including nighttime.
- 3) Can we place a temporary banner billboard next to the Mohr Christensen park gate? 2 months

2. The undersigned requests 10 minutes for presentation.

Dated this 2 day of April, 20 25.

Printed Name Karen Munson Daytime Phone (435) 531-2231

Signature Karen Munson Evening Phone 11

Please note: Items on the agenda for city council meeting are set at the discretion of the mayor. If the mayor approves the above request, you will be on the next agenda. If the request is not approved, you will NOT receive any further notification.

The remaining portion of this form is for office use only

DECISION ON REQUEST FOR APPEARANCE

☒ The above item is APPROVED for hearing before the city council. The city recorder is instructed to place the item on the next available council agenda for _____ minutes.

☐ The above item is NOT APPROVED for hearing before the city council.

Dated this 2 day of April, 20 25.


MAYOR

**ESCALANTE CITY
ORDINANCE 2025-____
GREASE TRAP REQUIREMENTS**

ROUGH DRAFT ONLY

WHEREAS it is in the interest of Escalante City to require equipment for certain sewer users to prevent the introduction of harmful materials into the municipal sewer system.

DEFINATIONS:

FOOD SERVICE ESTABLISHMENT: Any commercial, institutional, or governmental municipal sewer user which utilizes food processing or permanent food service facilities. Car washes, vehicle repair facilities with floor drains and similar occupancies are included in this definition. Current Utah statutes and rules shall be used to determine when grease traps shall be required.

GREASE. Any animal, plant, or mineral based fats, oils, greases, and sand which may be introduced into the Escalante City municipal sewer system.

GREASE TRAP. Is any interceptor, trap, or similar device recognized by the International Building Code and the state of Utah as suitable for the purpose as defined by those bodies and constructed and operated to appropriate standards.

I. INSTALLATION AND INSPECTION

A. Within one year of the passage of this ordinance, commercial sewer users with services as defined by this ordinance shall have installed grease traps in accordance with applicable state statutes and regulations. Escalante City shall inform all sewer users impacted by this ordinance of their responsibilities and requirements as soon as possible after the passage of this ordinance.

B. The commercial sewer user shall be responsible for all costs of construction, operation, and maintenance of said traps.

C. Escalante City shall inspect all such traps after installation and may at any reasonable time thereafter to verify operational compliance.

D. Grease traps shall not be required in private residences.

II. ENFORCEMENT

A. Any municipal sewer user who discharges greases into the system intentionally or by negligence shall be liable for the full cost of cleanup and remediation of the system as determined by Escalante City.

B. Any sewer user required to have grease traps which does not comply with any requirements of this ordinance shall be guilty of a Class C misdemeanor.

ESCALANTE CITY ORDINANCE NO. 2025-

AN ORDINANCE AMENDING ESCALANTE ORDINANCE 2008-02 AND PROVIDING REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF UTAH.

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend Escalante City Ordinance 2008-02.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF ESCALANTE CITY, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1: AMENDMENT

1. No person or entity may use, consume or possess any alcoholic beverage inside a public building in Escalante City that is owned by Escalante City unless that person or entity first receives a permit or express written consent by the City Mayor or the City Council.
2. A violation of this Ordinance shall constitute an infraction.

Section 2: SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 3: PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

Section 4: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 5: EFFECTIVE DATE:

The City Council of Escalante City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

**ESCALANTE CITY
ORDINANCE 2025-07**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO. 10.06 BOARD OF
ADJUSTMENTS TO BE THE APPEAL AUTHORITY AND PROVIDING
REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

WHEREAS, The City Council and Mayor wish to amend such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.06 Board Of Adjustment” of the Escalante Zoning Code is hereby *amended* as follows:

A M E N D M E N T

10.06 ~~Board Of Adjustment~~ Appeal Authority

SECTION 2: **AMENDMENT** “10.06.010 Board, Number Of Members, Appointments Term And Removal, Vacancies” of the Escalante Zoning Code is hereby *amended* as follows:

A M E N D M E N T

10.06.010 ~~Board, Number Of Members, Appointments Term And Removal, Vacancies~~
Appointment

~~The Escalante City Board of Adjustment shall consist of five (5) members, each to be appointed by the Mayor for the term of five (5) years provided that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member, but not more than one (1) of the Escalante City Planning Commission shall be a member of the Escalante City Board of Adjustment. In like manner, one or more alternate members may be appointed by the chief executive officer with the advice of the legislative~~

~~body for a term of five (5) years.~~

There is hereby created an Appeal Authority of one person to be appointed by the Mayor with the advice and consent of the City Council. The Appeal Authority may not be a resident of the City, nor have a financial interest in property within the City. It is the intent of the City that the appointed individual will not personally benefit from decisions associated with the interpretation of the ordinances of the City.

SECTION 3: AMENDMENT “10.06.020 Organization” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.020 ~~Organization~~ Term

~~The Escalante City Board of Adjustment shall elect a Chairperson and a Vice-Chairperson from among its members, who shall serve for a term of one (1) year and shall adopt rules complying with the ordinances of the legislative body. The appointed Chairperson or Vice-Chairperson shall supervise the affairs of the board of adjustment including calling meetings. The board of adjustment shall adopt administrative rules. The Chairperson or Vice-Chairperson, in absence of the Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be filed in the office of the board of adjustment and shall be a public record.~~

The Appeal Authority shall serve until the Appeal Authority position is vacant on account of death, resignation, removal or disqualification. In the event of vacancy, the position of Appeal Authority shall be filled in the same manner as an original appointment.

SECTION 4: AMENDMENT “10.06.040 Quorum” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.~~040 Quorum~~ 030 Removal

~~A quorum shall be considered three (3) members of the Escalante City Board of Adjustment, and no evidence shall be presented to the Board unless a quorum is present.~~

The appointed Appeal Authority may be removed for cause by the City Council upon written charges, which shall be filed with the Mayor, and after public hearing, if such public hearing is requested by the appointed Appeal Authority.

SECTION 5: AMENDMENT “10.06.030 Powers And Duties” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.~~030~~040 Powers And Duties

- A. The Appeal Authority shall have the following powers and duties:
 - 1. To act in a quasi-judicial manner; and
 - 2. To serve as the final arbiter of issues involving the interpretation or the application of Land Use Ordinances.
- B. The Appeal Authority shall hear and decide the following:
 - 1. Requests for variances from the terms of the Land Use Ordinances;
 - 2. Appeals from decisions applying the Land Use Ordinances;
 - 3. Determinations regarding the existence, expansion, or modification of nonconforming uses;
 - 4. Special exceptions to the terms of the zoning ordinance where the City Council has granted jurisdiction to the Appeal Authority to do so, and in the manner so provided; and
- C. The Appeal Authority may not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority.
- D. The Appeal Authority shall:
 - 1. Comply with the requirements of Utah Code 52-4, Open and Public Meetings.
 - 2. Keep minutes of its proceedings, including a record of the examination of evidence and other official actions.
- E. The records of the Appeal Authority shall be filed in the City office with the City Recorder and shall be public records. ~~The Escalante City Board of Adjustment shall have the following powers:~~
 - ~~A. To hear and decide appeals from zoning decisions applying to the zoning ordinance;~~
 - ~~B. To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under the provisions of this Ordinance; and~~
 - ~~C. To hear and decide variances from the terms of this Ordinance. The Board may grant a variance only if:~~
 - ~~1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; There are special circumstances attached to the property which do not generally apply to other property in the same~~

~~district; Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; The variance will not substantially affect the general plan and will not be contrary to the public interest; The spirit of the zoning ordinance is observed and substantial justice done.~~

SECTION 6: AMENDMENT “10.06.060 Vote Necessary For Reversal” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.060 ~~Vote Necessary For Reversal~~ Variances

~~The concurring vote of three (3) members of the Escalante City Board of Adjustment shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under this Ordinance or to effect any variation of the provisions of this Ordinance. Decisions of the board become effective at the meeting in which the decision is made, unless a different time is designated in the board's rules or at the time the decision is made.~~

- A. Any person or entity desiring a waiver or modification of the requirements of a Land Use Ordinance as applied to a parcel or property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the ordinance.
- B. The Appeal Authority shall set a hearing to be held within a reasonable time from the date the request is received. Written notice of the date set for hearing the request shall be mailed to the applicant at least ten (10) days before the hearing date. At the hearing, the requesting party shall appear in person or by agent or by attorney. After the hearing, the Appeal Authority may wholly or partially grant or deny the applicant's request.
- C. The Appeal Authority may grant a variance only if:
 - 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinances;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. The spirit of the Land Use Ordinance is observed and substantial justice done.
- D. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship, the Appeal Authority may not find an unreasonable hardship

unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 3. Is not self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property, the Appeal Authority may find that special circumstances exist only if the special circumstances:
1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The Appeal Authority may not grant a use variance.
- I. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.
- J. The City, or any person adversely affected by any decision of the Appeal Authority, may petition the District Court for a review of the decision, provided the petition is filed with the Court within 30 days after the Appeal Authority has issued its final written decision. In the petition, the appealing party may only allege that the Appeal Authority's decision was arbitrary, capricious, or illegal. The Appeal Authority may, after finding that it is in the best interest of the City to do so, stay its decision pending District Court review.
- K. Unless otherwise specified by the Appeal Authority, any order or decision of the Appeal Authority authorizing a variance shall expire if the applicant fails to obtain a building permit within one year from the date of the decision. Any applicant may withdraw a request for variance at any time prior to a decision by the Appeal Authority. No person shall be entitled to claim a refund of costs for any reason.

SECTION 7: AMENDMENT "10.06.070 Appeals To Board-Time-Person Entitled-Transmission Of Papers" of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.070 Appeals To ~~Board-Time-Person-Entitled-Transmission-Of-Papers~~The Appeal Authority

~~Appeals to the Escalante City Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Escalante City affected by any decision of the~~

~~administrative officer in the administration of this Ordinance. Such appeal shall be taken within thirty (30) days as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Escalante City Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Escalante City Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.~~

- A. As a condition precedent to judicial review, each adversely affected person may specifically challenge a Land Use Authority's decision, within ten (10) business days of the land use decision and pay the related fee.
- B. The Appeal Authority shall review the matter de novo and determine the correctness of a decision of the Planning and Zoning Commission in its interpretation and application of a Land Use Ordinance.
- C. Only those decisions in which a Planning and Zoning Commission has applied a Land Use Ordinance to a particular application, person or parcel may be appealed to the Appeal Authority.
- D. All documents and exhibits constituting the record upon which the action appealed was made shall be presented to the City Recorder with the application for hearing.
- E. For every appeal, the applicant shall present to the Appeal Authority every theory of relief that it can raise in District Court.
- F. The notice of appeal shall specifically allege the error which was made in the order, requirement, recommendation, decision, or determination made by an official or officials in the administration or interpretation of the land use ordinances. A notice of appeal failing to allege such error or specify the grounds for appeal may be summarily dismissed by the Appeal Authority, with or without prejudice.
- G. The Appeal Authority shall set the appeal hearing to be held within a reasonable time from the date the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the applicant at least ten (10) days before the appeal hearing date. At the hearing, the party appealing shall appear in person or by agent or by attorney.
- H. The Appeal Authority shall conduct each appeal and variance request as described by this Chapter.
- I. The person or entity who filed the appeal has the burden of proving that the Planning and Zoning Commission erred.
- J. The Appeal Authority shall respect the due process rights of each of the participants.
- K. The Appeal Authority shall issue a written decision within a reasonable time after the hearing.
- L. Any applicant may withdraw an appeal at any time prior to a decision by the Appeal Authority. No person shall be entitled to claim a refund of costs for any reason.

SECTION 8: **AMENDMENT** "10.06.100 Rules" of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.~~100 Rules~~080 Interpretation Of Land Use Ordinance

- A. Any person alleging there was an error in any order, requirement, decision, or determination made by the Planning and Zoning Commission in the administration or interpretation of the Land Use Ordinance may request an interpretation and decision from the Appeal Authority.
- B. The Appeal Authority will overturn decisions of the Planning and Zoning Commission only as follows:
 - 1. If the decision or requirement by the Planning and Zoning Commission conflicts with the intent or literal interpretation of the Land Use Ordinances; or
 - 2. If the decision or requirement by the Planning and Zoning Commission conflicts with state or local laws.
- C. In some instances, the Appeal Authority may not fully understand the intent of an ordinance or requirement placed upon any person(s) by the Planning and Zoning Commission. Under these circumstances the Appeal Authority may obtain a decision from the City Council prior to making a final decision (if applicable).
 - 1. If the Appeal Authority requires an interpretation from the City Council, the Appeal Authority shall make a final decision within ten (10) days after that interpretation is given.

SECTION 9: **AMENDMENT** “10.06.080 Stay Off Proceeding Pending Appeal” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.~~080~~090 Stay Off Proceeding Pending Appeal

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the ~~Escalante City Board of Adjustment~~ Appeal Authority after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the ~~Escalante City Board of Adjustment~~ Appeal Authority or by district court on application and notice and on due cause shown.

SECTION 10: **AMENDMENT** “10.06.090 Decision On Appeal” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.~~090~~100 Decision On Appeal

~~In exercising the above-mentioned powers~~ After hearing the appeal, the ~~Escalante City Board of Adjustment~~ Appeal Authority may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such other, requirement, decision, or determination as ought to be made.

SECTION 11: **AMENDMENT** "10.06.110 Judicial Review Of Board's Decision - Time Limitations" of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.06.110 Judicial Review Of Board's Decision - Time Limitations

The Escalante City Council or any person aggrieved by any decision of the ~~Escalante City Board of Adjustment~~ Appeal Authority † may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the ~~Board~~ Appeal Authority.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Stowe	_____	_____	_____	_____
Councilmember Lyman	_____	_____	_____	_____
Councilmember Porter	_____	_____	_____	_____
Councilmember Orme	_____	_____	_____	_____
Councilmember Wilson	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, City
Recorder, Escalante City

**ESCALANTE CITY
ORDINANCE 2025-02**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO.8.04.050, SEWER
IMPACT AND CONNECTION FEES AND PROVIDING REPEALER WITHIN THE
CITY OF ESCALANTE, STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

WHEREAS, The City Council and Mayor wish to amend such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “8.04.050 Fees, Rates And Charges” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.04.050 Fees, Rates And Charges

- A. Billings And Payments: The city shall, through its properly designated employees, promptly bill all persons, firms, corporations, partnerships and other legal entities for all services furnished by the consolidated city water and sewer system. The form of the statement will show the separate charges due for water supplied and sewer services furnished by the consolidated city water and sewer system. Users shall pay the total sum of water charges and sewer charges. Such charges may not be paid separately. Water services shall be disconnected to any consumer who shall become delinquent for more than ninety (90) days from the date of the billing, in the payment of water or sewer charges.
- B. May Be Established By Resolution: The rates, penalty fee for delinquency in payment, connection fee, inspection fee, reconnection fees, and other charges incidental to the connection and services from the city water and sewer systems, shall be fixed from time to time by resolution enacted by the city council. The city council may, from time to time, promulgate rules for levying, billing, guaranteeing and collecting charges for culinary water services and all other rules necessary for the management and control of the system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. Rates may be established at different levels for premises outside the corporate boundaries of the city.
- C. Fee Specified:
 - 1. Water Impact Fees:
 - a. Applicants for new water connections in City Limits shall pay an

impact fee of four thousand seven hundred dollars (\$4,700.00) upon approval..

- b. Applicants for new water connections outside of City Limits shall pay an impact fee of five thousand seven hundred dollars (\$5,700.00).

2. Sewer Impact Fees:

- a. Applicants for new sewer connections shall pay an impact fee of five hundred ~~one thousand~~ dollars (\$500.00 ~~\$1,000.00~~).

3. Water Connection Fees:

- a. For three-fourth inch (3/4") service (meter installation) - five hundred dollars (\$500.00).
- b. For service over three-fourth inch (3/4") service - as determined by the city council.
- c. Applicants for new water connections shall pay a connection fee of one thousand five hundred dollars (\$1,500.00) upon approval. An additional one thousand five hundred dollar deposit (\$1,500) with a minimum of one thousand (\$1000.00) will be assessed for going through an asphalt chip sealed street.
- d. If a water meter is moved from one location to another on the same property, the fee shall be an additional one thousand dollars (\$1,000.00) to move such meter.
- e. The city shall approve applications for new water connections only when such a request is accompanied by an approved municipal project approval form for which city water is required. Upon approval, applicant shall have 60 days to obtain a Garfield County Building Permit and pay all fees or applicant will have to reapply for the water connection. The project must be started within a year of approval and have an active County Building Permit or the water connection will go back to the city. Any and all fees paid are non-refundable.
- f. The city council shall limit the availability of new connections for sale as to not exceed the available water supply and water rights of the city. A permanent minimum water right of .550 gallons per minute shall be required for each connection, active or inactive. The city council may impose moratoriums on the sale of new connections as required for the availability of water and operational integrity of the system.
- g. A twenty five dollar (\$25.00) fee shall be imposed when the meter is taken out.
- h. A twenty five dollar (\$25.00) fee shall be imposed when the meter is reinstalled.

4. Sewer Connection Fees:

- a. The city shall approve applications for new sewer connections only when such a request is accompanied by the approved municipal project approval form which city sewer is required. Upon approval,

applicant shall have 60 days to obtain a Garfield County Building Permit and pay all fees or applicant will have to reapply for the sewer connection.

The project must be started within a year of approval and have an active County Building Permit or the sewer connection will go back to the city. Any and all fees paid are non-refundable.

- b. The city council may at any time limit the number of or deny applications for new sewer connections to ensure adequate sewer capacity for the existing users of the system.
- c. Applicants for new sewer connections shall pay a connection fee of one thousand five hundred dollars (~~\$1,000.00~~~~500.00~~). An additional one thousand five hundred dollar deposit (\$1,500) with a minimum of one thousand (\$1000.00) will be assessed for going through an asphalt chip sealed street.

5. User Fees:

a. User Fees Inside City Limits:

- (1) Inactive Water Connections: A monthly rate of the current year rate shall be assessed on each inactive water connection inside city limits. Inactive connections purchased or installed before April 1998 shall only be assessed inactive connection fees after that date. A fee of twenty five dollars (\$25.00) shall be assessed to activate or inactivate any connection. If the owner of a connection is over sixty two (62) years of age the fee to activate or inactivate any connection will be five dollars (\$5.00). Prior to activating any connection, the balance of all fees must be paid in full.
- (2) Active Water Connections: A monthly rate of the current year rate for zero gallons used shall be assessed for each active connection.
- (3) Usage Rates: A monthly rate of one dollar (\$1.00) will be assessed for each one thousand gallons of water used up to ten thousand (10,000) gallons per connection; three dollars (\$3.00) shall be assessed for each additional one thousand (1,000) gallons up to twenty five thousand gallons (25,000); six dollars (\$6.00) shall be assessed for each additional one thousand (1,000) gallons up to fifty thousand gallons (50,000), and nine dollars (\$9.00) shall be assessed for each additional one thousand (1,000) gallons in excess of fifty thousand gallons (50,000). The use of water by the user may be restricted or regulated by the city council in times of drought.

b. User Fees And Restrictions Outside City Limits:

- (1) Inactive Water Connections: A monthly rate of the current year rate shall be assessed on each inactive water connection outside city limits. A fee of twenty five dollars (\$25.00) shall

be assessed to activate or inactivate any connection. If the owner of a connection is over sixty two (62) years of age the fee to activate or inactivate any connection will be five dollars (\$5.00). Prior to activating any connection, the balance of all fees must be paid in full.

(2) Charges for usage outside the corporate limits of the city shall be the current year rate per month for zero gallons used for each active connection.

(3) Usage Rates: A monthly rate of one dollar (\$1.00) will be assessed for each one thousand gallons of water used up to ten thousand (10,000) gallons per connection; three dollars (\$3.00) shall be assessed for each additional one thousand (1,000) gallons up to twenty five thousand gallons (25,000); six dollars (\$6.00) shall be assessed for each additional one thousand (1,000) gallons up to fifty thousand gallons (50,000); and nine dollars (\$9.00) shall be assessed for each additional one thousand (1,000) gallons in excess of fifty thousand gallons (50,000). The use of water by the user may be restricted or regulated by the city council in times of drought.

c. The city council may at any time change rates, eliminate services, restrict the amount of usage or modify any provision, policy or procedure for out of city water use without the need to give such user notice and without hearing. This is a mandatory provision based on the irrevocable, perpetual policy of the city that the municipality has no obligation to deliver water on a permanent, continuing, temporary basis to any user outside the city limits.

6. Advance Payment Privileges:

a. In the interest of the city saving billing and bookkeeping costs, a user may pay in advance on year's total minimum water and sewer user fees and the user shall be entitled to a twenty dollar (\$20.00) discount for that year.

7. Sewer Rates:

a. Basis Of User Charge: Each equivalent residential unit (ERU) will be charged ~~twenty seven-thirty~~ dollars (\$~~30~~~~27~~.00) per month.

b. Equivalent Residential Unit: An equivalent residential unit is a unit of measurement estimated to equate to an average residential household's use. It is estimated that the average residential household will add approximately ten thousand (10,000) gallons of flow to the wastewater treatment facility monthly. It is impossible to gauge the flow of wastewater from each contributor and it is difficult to measure the flow based on culinary water usage since there are many and varied uses in the city which do not reach the wastewater treatment facility. Therefore, the city has estimated the residential equivalent based on state department of environmental quality estimated quantity