



**EPHRAIM CITY COUNCIL
REGULAR MEETING AGENDA**
Council Chambers – Ephraim City Hall
5 South Main, Ephraim, Utah
Wednesday, July 15, 2026
7:00 PM

Today's meeting will be held in person in the Council Chambers and is open to the public. Members of the press and public are also invited to view this meeting live on YouTube.

To participate in the public comment period or any scheduled public hearings, please email cmaudsley@ephraim.gov before 3:00 PM on the day of the meeting.

Live Stream on YouTube at 7:00 P.M.
<https://www.youtube.com/@EphraimCityUtah/streams>

7:00 PM

CALL TO ORDER

- 1) ROLL CALL
- 2) PRAYER OR THOUGHT
- 3) PLEDGE OF ALLEGIANCE.

PUBLIC COMMENT

Members of the public may address the Council on items related to City business or the current agenda. A comment form must be submitted to the Mayor prior to the meeting. Comments are limited to three minutes per person. The Council cannot take action during this portion of the meeting but may respond briefly, refer the matter to staff, or place it on a future agenda. Please state your name and city of residence for the record.

I. Presentations

- A. Water Status Presentation (Jeff Jensen)
- B. Possibility of Drought Pricing Discussion (Katie Witt)

II. Consent Items

- A. Ratification of Warrant Register between June 26, 2026, and July 10, 2026
- B. Approval of July 1, 2026, City Council Meeting Minutes

III. Action Agenda (*A five-minute public comment period will be provided for each action item.*)

- A. **Subdivision Approval** – The Crossing Hotel Parcel: Request to subdivide a portion of Parcel S-6183X into one commercial lot for the development of a hotel. (Megan Spurling)

- B. **Conditional Use Permit** – The Perry House Duplex: Request for a Conditional Use Permit to convert an existing single-family home into a duplex. (Megan Spurling)

- 1. In Ephraim City, all multi-family residential developments are required to obtain approval through a Conditional Use Permit

- C. **Conditional Use Permit** – Rocca Bella Landscaping Supply Yard: Request for a Conditional Use Permit to establish a landscaping supply yard on the property. (Megan Spurling)

- 1. This use requires a conditional use permit in this zone

- D. **Ray Subdivision** – Request for Outside City Water Connections (Katie Witt)

- E. **Ordinance ECO 26-11** – Consideration and Possible Adoption of an Ordinance Establishing a Temporary Moratorium on Multi-Family Projects Within all Zones, While Allowing Individual Residential and Commercial Development to Continue (Megan Spurling)

IV. Appointments

- A. Appoint Gloria Winter to the Scandinavian Heritage Festival Board to fill the remainder of Lori Birch's term.

V. Reports

Councilmember Reports

City Manager Report

ADJOURNMENT

In Accordance with the Americans with Disabilities Act (ADA) this facility is wheelchair accessible and handicap parking is available. Request for accommodations and interpretive services must be made three (3) working days prior to the meeting. Please contact the city office at 283-4631 for information or assistance.

CERTIFICATE OF POSTING

I, the undersigned duly appointed City Recorder for Ephraim City, hereby certify that the above notice and agenda were posted in accordance with the Utah Open and Public Meetings Act on the 13th day of July 2026.

Notice was posted:

- On the Utah Public Notice Website;
- On the Ephraim City website (ephrain.gov); and
- At a physical location at Ephraim City offices, a place reasonably accessible to the public.

Candice Maudsley
Ephraim City Recorder



CITY COUNCIL MEETING MINUTES

Meeting Date:	July 1, 2026
Meeting Time:	7:00 PM
Location:	City Hall Council Chambers, 5 S Main, Ephraim
Meeting Type:	Regular

Attendance

Official	Present	Absent
Mayor Chris Larsen	☐	☐
Councilmember Dennis Nordfelt	☐	☐
Councilmember Anthony Beal	☐	☐
Councilmember Loren Steck	☐	☐
Councilmember Jack Dalene	☐	☐
Councilmember Bud Powell	☐	☐

Call to Order

Mayor Larsen called the meeting to order at 7:00 p.m.

Pledge of Allegiance & Prayer

Prayer given by Loren Steck

Pledge led by Brent Anderson

Public Comment

The Mayor opened the public comment period.

Brent Anderson addressed the Council regarding the Bishop's Storehouse. He explained that he had revised his proposal to remove Snow College's involvement and requested that it be placed on a future City Council agenda.

The Mayor responded that the City is not in a position to proceed with repairs to the Bishop's Storehouse at this time and explained that the City cannot fund private enterprise. He further stated that the proposal was not sufficiently developed to warrant placement on a future agenda.

The Mayor closed the public comment period.

Presentations

The water presentation by Jeff Jensen was postponed.



Consent Agenda

Approval of June 17, 2026 Minutes

Approval of Warrant Register

Councilmember Steck moved to approve the Consent Agenda. The motion was seconded by Councilmember Dalene. Upon roll call, Councilmembers, Dalene, Steck, and Powell voted in favor of the motion. Beal and Nordfelt were absent. The motion carried, 3-0.

Action Agenda

- A. Resolution ECR 26-16** – Consideration and Possible Adoption of a Resolution Prohibiting the Use of Ignition Sources and Fireworks in Ephraim City Due to Extreme Drought Conditions

The Council discussed whether the City should establish restrictions beyond those adopted by the State and County. Chief Hermansen explained that no safe location within the city could be identified for the discharge of fireworks and recommended following the guidance of state and county fire officials due to extreme drought conditions. Councilmembers discussed the recent Mill Hill Fire, associated suppression costs, and the ongoing wildfire risk.

Councilmember Dalene moved to approve ECR 26-16. The motion was seconded by Councilmember Powell. Upon roll call, Councilmembers Dalene, Steck, and Powell voted in favor of the motion. Beal and Nordfelt were absent. The motion carried, 3-0.

- B. Ordinance ECO 26-10** – Consideration and Possible Adoption of an Ordinance Establishing a Temporary Moratorium on Residential Subdivision Development and Multi-Family Projects Within Designated Areas of Ephraim City, While Allowing Individual Residential and Commercial Development to Continue.

Staff Presentation:

City Manager Katie Witt and Planner Megan Spurling presented a proposed six-month temporary moratorium on new residential subdivision applications and multi-family development within designated areas of the city. Staff explained the purpose of the moratorium is to provide time to review and update the City's development code to better reflect the community's vision, development standards, and long-term character. Staff also noted that the current code, adopted decades ago, allows development densities that no longer align with community expectations and that ongoing drought conditions further supported pausing additional residential growth while the City evaluates future water demands.

Staff clarified that:

- Existing approved subdivisions and complete applications already in the review process would continue to move forward.



- A project is considered "in the queue" only if a complete application has been submitted and all required fees have been paid.
- Individual single-family homes on existing lots and commercial development would not be affected by the moratorium.
- Road dedications and infrastructure improvements could continue independently of subdivision approvals.
- During the moratorium, staff will work with stakeholders, the Planning Commission, and the City Council to review development standards, including density, amenities, landscaping, and other design requirements.

Public Comment:

- **Mike Ballard (Ephraim Crossing):** Requested that Phase 6 of the Ephraim Crossing development be allowed to proceed, noting the project includes significant infrastructure improvements and that engineering plans were nearly complete. He expressed concern that the development received little advance notice of the proposed moratorium.
- **Carol Jacobson:** Expressed support for reviewing the City's development standards but asked that infrastructure and road improvements continue so existing neighborhoods are not left with prolonged construction impacts.
- **Joseph Gallagher:** Requested a two-week delay to allow clarification of the ordinance language and expressed concern that developers who had followed previous City direction would be negatively impacted by the timing of the moratorium.
- **Mel Jacobson:** Asked whether the moratorium would last three months or six months and expressed concern regarding the impact of a six-month delay.

Council Discussion

Council discussed where the cutoff should occur for projects already in process and emphasized the need for consistency and fairness in applying the moratorium. Staff explained that providing advance notice could have resulted in a rush of applications before the effective date and stated the intent was to apply the ordinance evenly to all applicants. Council also discussed the legal six-month limit on the moratorium and staff's intention to complete the code review well before that deadline if possible. The focus of the code update will primarily address development standards for higher-density residential projects while preserving opportunities for appropriate residential growth.

Councilmember Steck moved to approve ECO 26-10 as written. The motion was seconded by Councilmember Powell. Upon roll call, Councilmembers, Dalene, Steck, and Powell voted in favor of the motion. Beal and Nordfelt were absent. The motion carried y, 3–0.

C. Subdivision Amendment – Sunrise Village on 7th

Staff Presentation:

The Council discussed the request to amend the previously approved subdivision to allow the remaining apartment buildings to be converted to condominiums. Questions were raised regarding covered parking



requirements and whether approving the amendment at this time would be appropriate while broader development standards are under review. The Council expressed interest in considering the request with a full Council present.

The motion to approve failed on a 2–1 vote.

Councilmember Dalene then moved to postpone the request until the first City Council meeting in August. The motion was seconded by Councilmember Powell. Upon roll call, Councilmembers Dalene, Steck, and Powell voted in favor. The motion carried, 3–0.

Reports

City Manager, Katie Witt

- Community Development Open House scheduled for Tuesday, July 7, from 6:30 to 8:00 p.m.
- Staff is preparing a community survey as part of the City's strategic planning efforts.
- Staff continues to monitor water usage and spring flows and will report back to the Council regarding drought conditions and whether additional conservation measures or drought pricing should be considered.

ADJOURNMENT

Councilmember Powell moved to adjourn.

Second: Councilmember Steck.

The meeting adjourned at 8:13 p.m.

APPROVAL

Approved this 15 day of July 2026.

Mayor Larsen

Attest:

City Recorder, Candice Maudsley



STAFF REPORT

To: Ephraim City Council
From: Megan Spurling
Date of Meeting: July 15, 2026
Type of Item: Subdivision
Process: Administrative Review

RECOMMENDATION: Staff and the Ephraim City Planning Commission have reviewed the application for compliance with all standards in the Ephraim City Municipal Code and found that it meets the minimum required for approval. Accordingly, staff recommends that the Ephraim City Council review the proposed The Crossing Hotel Parcel Subdivision and recommend Plat approval. City Staff recommends approval.

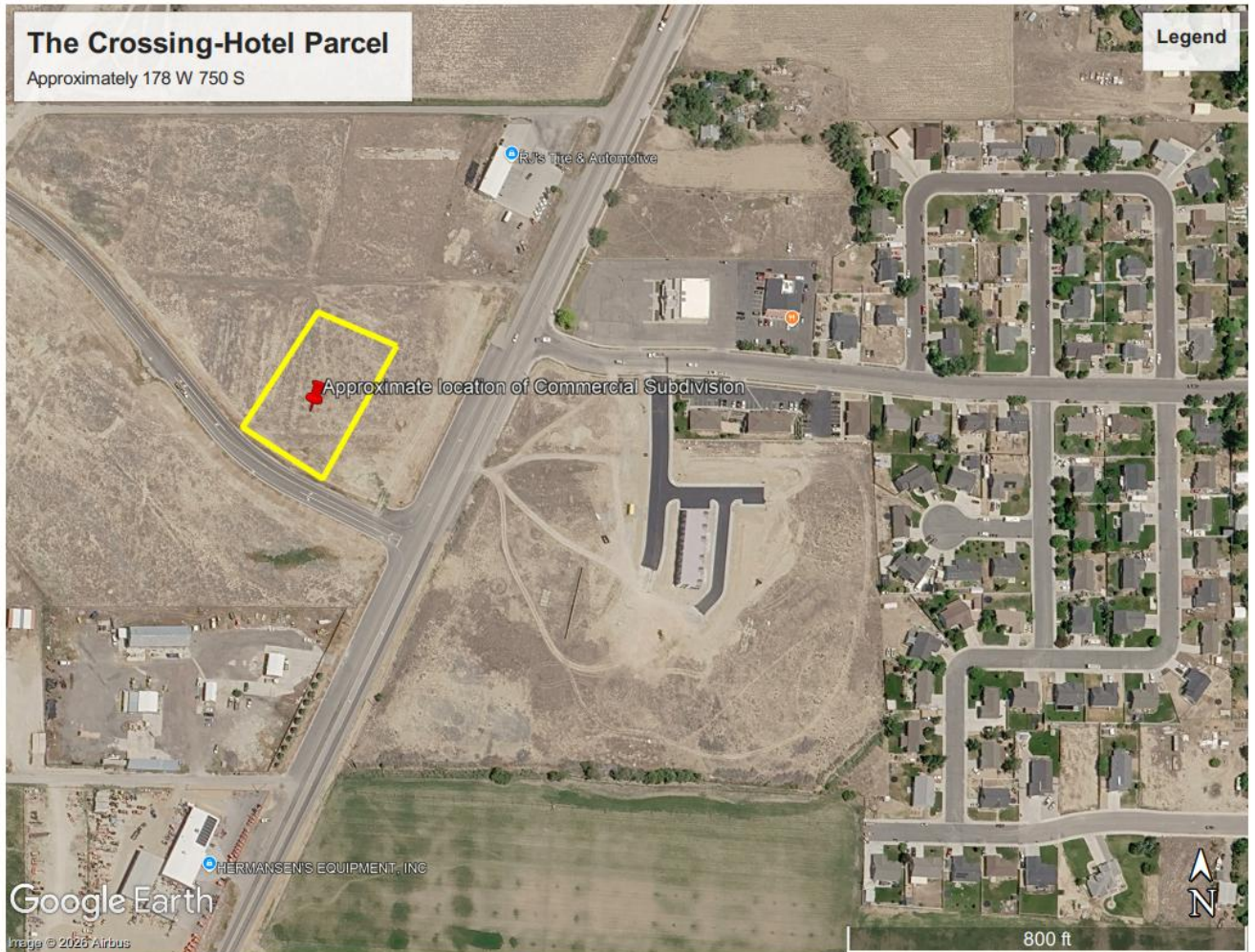
Project Description

Project Name: The Crossing-Hotel Parcel
Applicant(s): Joseph Gallagher -CVG Ephraim South LLC
Property Owner(s): Ephraim Crossing Land Development
Location: Approx. 178 W 750 S
Zone District: C2
Parcel Number and Size: S-6183x, approx. 1.882 acres
Type of Process: Administrative
Final Land Use Authority: City Council

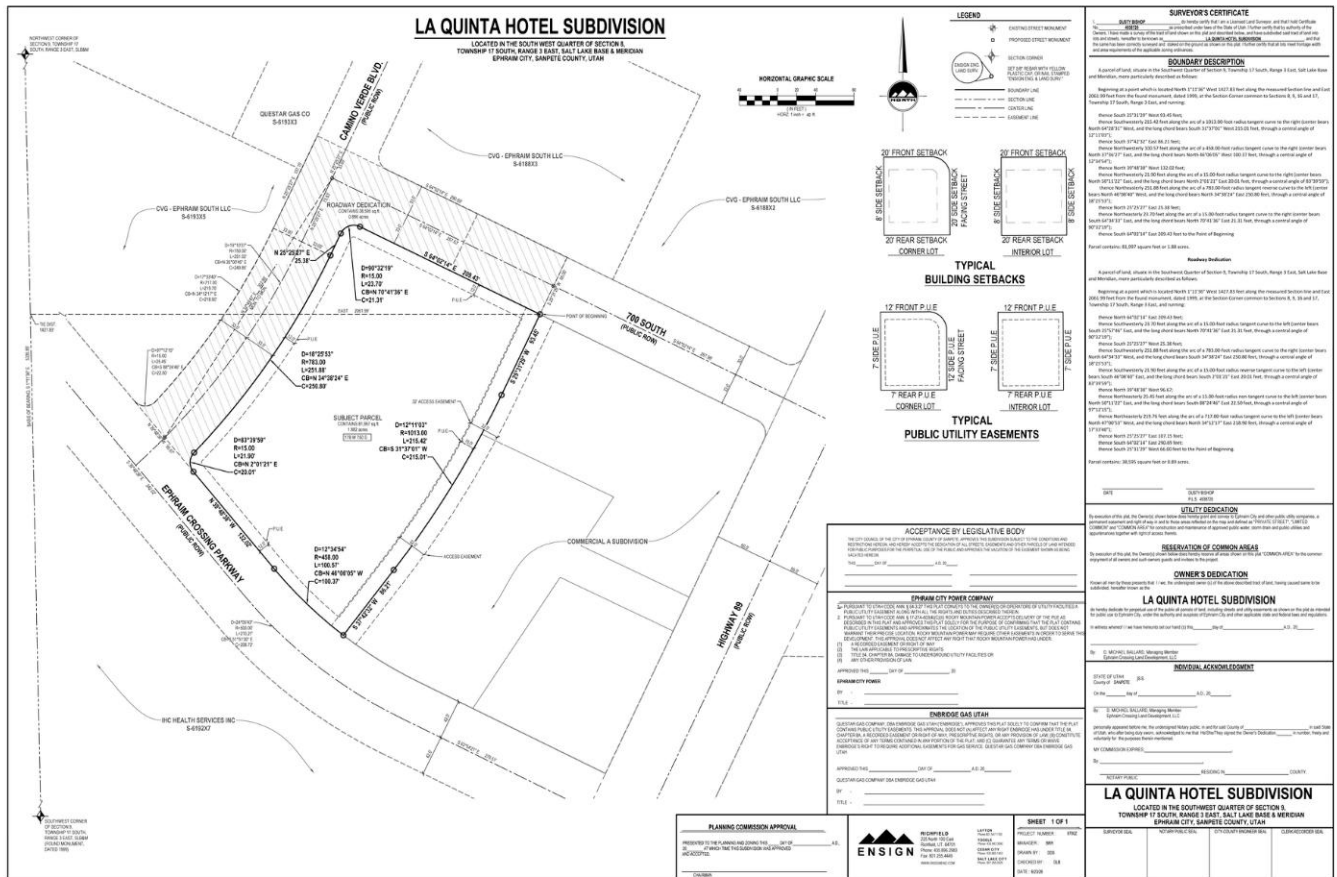
Proposal

The applicant is proposing to use parcel S-6183x for the purpose of developing a hotel subdivision. This will remain one lot and this application serves to dedicate the roads and finalize the lot split that was recorded at the County.

Vicinity Map



The Crossing-Hotel Parcel



Analysis and Findings

The City Council may recommend approval, approval with conditions, or denial of the proposed Plat.

Title 11 of the Ephraim City Code provides the standards which should be met to divide property within the city. Section 11.24.020 of the Code provides standards for the recommendation of approval of the Plat to the City Council. Staff has verified that the proposed Plat complies with the standards.

Recommendation

Staff recommends that the Council consider the issues outlined in this report regarding the proposed Plat and vote to approve The Crossing-Hotel Parcel Subdivision based upon the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. Ephraim Crossing Land Development LLC is the fee title owner of record for Parcel S-6183x
2. Parcel S-6183x is 1.882 acres in size.
3. Parcel S-6183x is located at approximately 178 W 750 S
4. Parcel S-6183x is currently zoned C2
5. The applicant is proposing to subdivide the parcel into 1 lot for a hotel.
6. This application was noticed appropriately
7. The Ephraim City Development Review Committee has reviewed the application and **recommended approval** of the Final Plat to the Ephraim City Council, pending conditions of approval are met.
8. The Planning Commission unanimously voted to approve the Final Plat, pending conditions of approval are met.

Conclusions of Law

1. Based upon the findings of fact listed above, the proposed The Crossing-Retail A Subdivision is compliant with the standards described in the Ephraim City Municipal Code.

Conditions of Approval

1. APPROVED PLAN SET IS VERSION 3 SUBMITTED ON June 23, 2026. Any work done off any other plan set is subject to removal and replacement at applicant's expense. Please note: Construction on the subdivision must begin within one year of approval. If work has not commenced within that time frame, the applicant will be required to reapply to ensure the project complies with the current city code. All work must be done in accordance with City Construction Standards.
2. All roads and frontages must be improved to city standard prior to occupancy. This includes asphalt, curb, gutter and sidewalk for all of phase one. Phased frontage and

- roads will not be allowed. All roads, curb, gutter and sidewalk for the entire project must be completed for occupancy of the first phase.
3. Work with City Staff and install infrastructure as advised by each respective department.
 4. Street signs, including stop sign, address signs, and speed limit signs are required by the applicant and must be installed prior to occupancy.
 5. Street lights will need to be installed prior to occupancy and must meet dark sky standards, should be downward facing and warm in color. Include lights at primary street intersections and access points.
 6. CBU multi tenant post office box must be provided and installed by the applicant, per requirements of the Post Office.
 7. All road cuts must be repaired before occupancy. If hot mix asphalt is not available due to winter temperatures, cold mix patches must be applied temporarily until hot mix can be placed again in the warmer months.
 8. Applicant is advised to coordinate directly with gas and telephone/internet companies to coordinate placement and service to this development, as these services are not provided by the city but by private third party companies.
 9. Impact fees will be assessed at the time a building permit is pulled, based on applicable fees in effect at the time of application.
 10. 5% of the lot must be reserved for landscaping. Waterwise landscaping is strongly encouraged.
 11. A bond in the amount of 115% of the cost of the improvements (or other approved method accepted by Ephraim City) is required for the work of this subdivision before plat will be recorded. ECC 10.12.180
 12. There is a storm drain/waterline interference on 700 S, this will need to be resolved with Public Works staff before zoning permit will be issued.
 13. Interior utility plan and storm drain plan will be required at submittal of the zoning permit.



STAFF REPORT

To: Ephraim City Council
From: Megan Spurling
Date of Meeting: July 15, 2026
Type of Item: Conditional Use Permit
Process: Legislative Review

RECOMMENDATION: Staff and the Ephraim City Planning Commission have reviewed the application for compliance with all standards in the Ephraim City Municipal Code and found that it meets the minimum required for approval. Accordingly, staff recommends that the Ephraim City Council review the proposed Conditional Use Permit and grant approval pending the Conditions of Approval are met. Staff recommends approval of this application, pending conditions of approval are met.

Project Description

Project Name: Perry House Duplex
Applicant(s): Gay Perry
Property Owner(s): Gay Perry
Location: 34 E 300 N
Zone District: C2
Parcel Number and Size: S-482x, .47 acres
Type of Process: Legislative
Final Land Use Authority: City Council

Proposal

The applicant, Gay Perry, is requesting a Conditional Use Permit to convert her existing home into a duplex. The home is already equipped with separate entrances, 6 foot site obscuring fencing and 4 off street parking spaces.

Vicinity Map



Analysis and Findings

The City Council may recommend approval, approval with conditions, or denial of the proposed Conditional User Permit.

Recommendation

Staff recommends approval and that the Council consider the issues outlined in this report regarding the proposed Conditional Use Permit and vote to approve the Perry Duplex Permit based upon the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. Gay Perry is the fee title owner for the property located at 34 E 300 N and parcel S-482x
2. Parcel is approximately .46 acres in size.
3. Parcel is located at approximately 34 E 300 N
4. The property is zoned appropriately for a duplex.
5. The applicant is proposing to convert their existing home into a duplex
6. This application was properly noticed according to Utah State Code.
7. The Planning Commission met and recommended approval, pending the conditions of approval are met.

Conditions of Approval

1. Applicant must ensure the existing 6-foot site obscuring fence is in good repair
2. Applicant must provide 4 off-street parking spaces (2 per unit).
3. All areas designed for parking must be paved.
4. Separate meters may be required for the additional unit.
5. If the unit will not be owner occupied, the applicant must apply for and receive a business license to rent both units.
6. Applicant will work with Ephraim City Staff to ensure development meets Ephraim City Code and standards.
7. The Planning Commission recommended that the property be cleaned up of weeds, debris in the front and backyard, and that more gravel be added to create better parking before the applicant be allowed to rent the home as a duplex.



STAFF REPORT

To: Ephraim City Planning and Zoning Commission
From: Megan Spurling
Date of Meeting: July 15, 2026
Type of Item: Conditional Use Permit
Process: Legislative Review

RECOMMENDATION: Staff and the Ephraim City Planning Commission have reviewed the application for compliance with all standards in the Ephraim City Municipal Code and found that it meets the minimum required for approval. Accordingly, staff recommends that the Ephraim City Council review the proposed Conditional Use Permit. Staff recommends approval of this application.

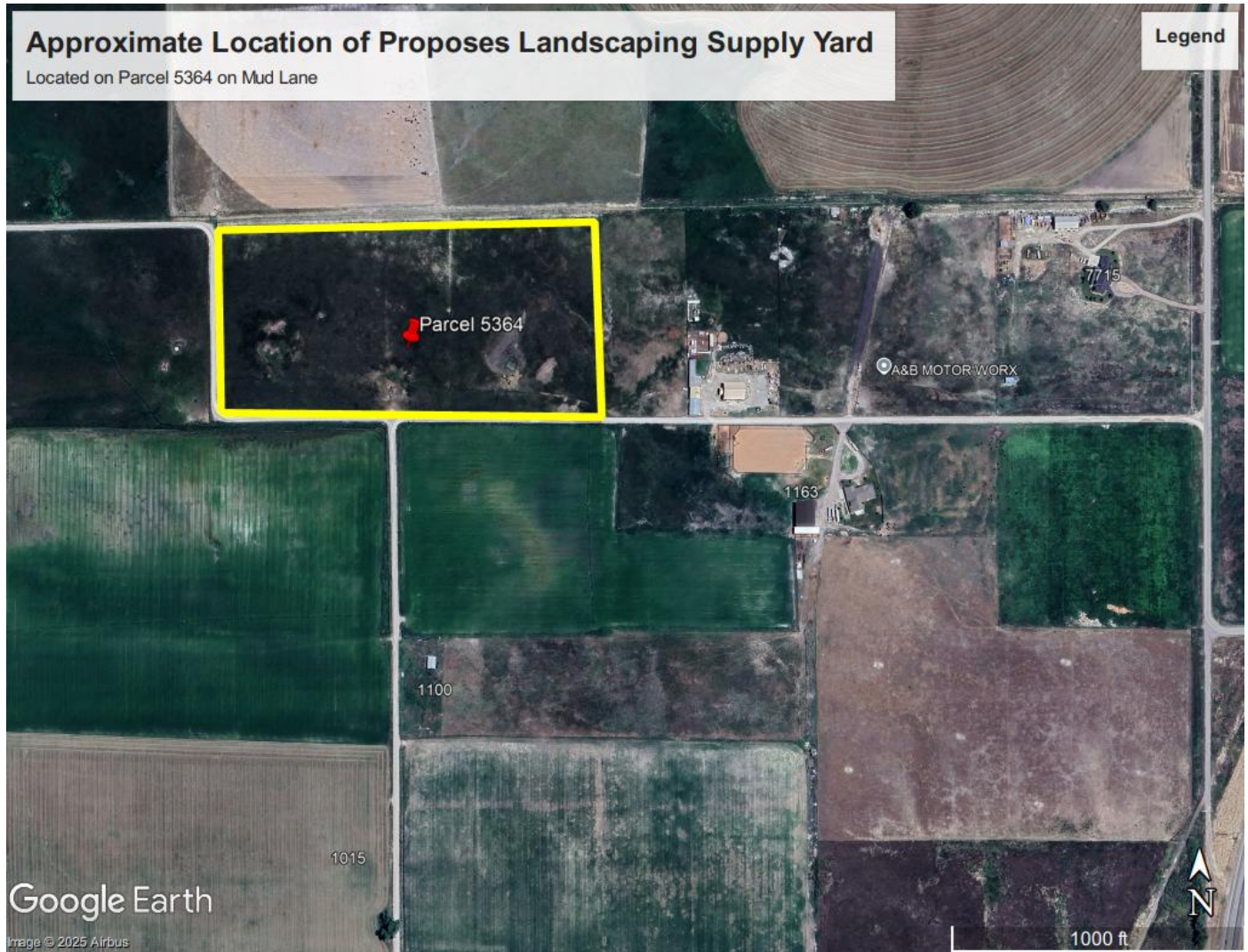
Project Description

Project Name: Rocca Bella Landscaping Yard
Applicant(s): Dennise Montano
Property Owner(s): Luis Tonoco
Location: 400 W and Mud Lane
Zone District: C2
Parcel Number and Size: S-5364, approximately 21.39 acres
Type of Process: Legislative
Final Land Use Authority: City Council

Proposal

The applicant, Dennis Montano, is requesting a Conditional Use Permit to operate a landscaping supply yard on the above parcel. Ephraim City Code designates this use as needing a Conditional Use Permit in this zone. The applicant will only be using a portion of the parcel at this time and no lot split is being requested.

Vicinity Map



Proposed Layout



Analysis and Findings

The City Council may recommend approval, approval with conditions, or denial of the proposed Conditional User Permit.

Recommendation

Staff and the Planning Commission recommends approval and that the Council consider the issues outlined in this report regarding the proposed Conditional Use Permit and vote to approve the Rocca Bella Landscaping Supply Yard Permit based upon the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. Luis Tinoco is the fee title owner for parcel S-5364
2. Parcel is approximately 21.39 acres in size.
3. Parcel is located on Mud Lane
4. The property is zoned C2.
5. The property owner has given his consent for the applicant to use this parcel.
6. This application was properly noticed according to Utah State Code.
7. The Ephraim City Planning Commission reviewed this application and recommended approval contingent upon following the conditions of approval outlined in this staff report.

Conditions of Approval

1. The applicant will need to apply for a business license and receive it before operating.
2. If a building is ever constructed, they will need to apply for a zoning permit, and infrastructure improvements will be required.
3. The applicant will need to work out the ditch with the irrigation company and provide the City a letter in writing from them for whatever they instruct them to do.
4. 1 parking space per 2500 square feet must be provided.
5. Parking spaces must be paved. The applicant is asking that they be allowed to use road base or another form for parking.
6. There is a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses
7. Exterior lighting that complies with the lighting standards of the zone. Sufficient exterior lighting must be provided.
8. There is sufficient emergency vehicle access



EPHRAIM CITY COUNCIL

MEETING DATE: JULY 15, 2026

TO: MAYOR AND COUNCIL
FROM: KATIE WITT, CITY MANAGER
SUBJECT: RAY OUTSIDE WATER REQUEST
AGENDA TYPE: ACTION

EXECUTIVE SUMMARY

In 2002, the Ephraim City Council approved culinary water connections for up to 12 homes located outside City limits on property associated with Gary Ray, subject to certain conditions. Some connections were subsequently completed, but several of the potential connections were not used before the City amended its ordinances in 2021 to prohibit new culinary water connections outside City limits, except for connections already existing at the time of the ordinance.

The City Attorney has reviewed the prior approvals, available records, and current City Code and concluded that the City is not required to approve additional connections beyond those already installed. Staff recommend that the City Council affirm that no additional extra-territorial water connections will be granted under the 2002 approval and direct staff to notify Mr. Ray of the City's determination.

BACKGROUND

In March 2002, the Ephraim City Planning Commission considered a request from Gary Ray for culinary water service to homes proposed outside Ephraim City limits. The Planning Commission recommended approval of connections for up to 12 homes.

In May 2002, the City Council approved the recommendation subject to specified conditions. Some homes were connected to the City's water system; however, the remaining potential connections were not completed.

In 2004, then-City Manager Richard Anderson reviewed the applicable meeting minutes and sent Mr. Ray a letter confirming that the City was willing at that time to provide connections for a total of up to 12 homes, subject to the conditions previously established.

In 2021, the City Council adopted Ordinance 21-08, amending the City's regulations governing water service outside City limits. Ephraim City Code Section 8.12.020(R)(3) now prohibits new culinary water connections outside City limits, except for connections that existed before the ordinance was adopted.

The City requested legal review to determine whether the 2002 Council action requires the City to approve the remaining connections notwithstanding the 2021 ordinance.

ANALYSIS

The 2002 City Council action authorized up to 12 potential connections under the policy in effect at that time. The approval did not result in all 12 connections being installed, and the unused connections remained unexercised when the City amended its ordinance in 2021.

The City Attorney concluded that the City must continue providing water service to existing customers whose connections were completed before the ordinance changed. Those existing connections represent ongoing utility service relationships and are not affected by this report.

The remaining unused connections are different. According to the City Attorney's analysis, the 2002 approval did not permanently restrict a future City Council's authority to revise public policy concerning extra-territorial water service. The City Council exercised that authority in 2021 when it prohibited new culinary water connections outside City limits.

As a result, the prior authorization for potential future connections did not survive the adoption of Ordinance 21-08. Granting additional connections would conflict with the current City Code unless the Council first lawfully amended the ordinance or another applicable exception were established.

Consistently applying the current ordinance also supports predictable utility planning and the uniform treatment of properties outside City limits. The City's public works planning documents identify growth, aging infrastructure, water-system capacity, and infrastructure maintenance as significant operational concerns.

FISCAL REVIEW

Denying additional connections under the prior approval does not require a direct expenditure of City funds.

Approval of additional connections could create future costs or capacity impacts associated with water production, storage, distribution, maintenance, and emergency service. Those costs have not been quantified because no current engineering or fiscal analysis of the proposed connections has been provided.

LEGAL REVIEW

The City Attorney reviewed this matter and issued a memorandum dated July 8, 2026. The memorandum concludes that the City is not required to allow additional water connections to Mr. Ray beyond those already granted and installed.

This staff report summarizes the City Attorney's analysis and is not a substitute for the legal memorandum or additional legal advice.

ALTERNATIVES

1. Affirm the current ordinance and deny additional connections — Recommended.

The Council may determine that no additional water connections are available under the 2002 approval and direct staff to provide written notice to Mr. Ray. This option is consistent with the City Attorney's analysis and the current City Code.

2. Take no action.

The Council may decline to make a formal determination. This could leave the status of the requested connections unresolved and may result in additional administrative or legal uncertainty.

3. Direct staff to obtain additional information.

The Council may request additional historical records, engineering analysis, water-capacity information, or legal review before acting. This would delay a final determination and may involve additional staff or consultant costs.

4. Consider amending the City Code.

The Council could direct staff to evaluate an ordinance amendment concerning extra-territorial water connections. Any amendment should be evaluated as a citywide policy matter rather than solely for one property and should include legal, engineering, fiscal, and public-policy review.

CONCLUSION

The City's current ordinance prohibits new culinary water connections outside City limits except for connections that existed before the ordinance was adopted. Based on the City

Attorney's review, the unused portion of the 2002 authorization does not obligate the City to approve additional connections.

Staff recommend that the City Council affirm that no additional extra-territorial culinary water connections will be granted under the 2002 approval and direct staff to provide written notice of the decision to Mr. Ray.

RECOMMENDED MOTION

"I move that the City Council determine that the remaining unused water connections approved in 2002 are no longer valid under current Ephraim City Code, deny any additional outside-City culinary water connections under that authorization, and direct staff to notify Mr. Ray of the Council's decision."

Memorandum

To: Megan Spurling, City Planner
From: Nic Mills, City Attorney
Re: Gary Ray Extra-Territorial Water Connections
Date: 8 July 2026

Ms. Spurling,

Hello. You asked me to research the status of the City's obligations to provide Mr. Ray with water connections outside the City. I have reviewed the documents that Brian sent and have also reviewed the City code. In short, it appears that the City is not required to grant Mr. Ray further extra-territorial water connections. I will outline my analysis of this situation below.

Facts

Mr. Ray approached the City in 2002 to see if he could obtain water connections for homes he hoped to construct. These homes fall just outside of Ephraim City's geographic boundaries. This item went to the planning commission in March or 2002 and they recommended that the City Council approve connections for up to 12 homes. In May 2002, the City Council followed this recommendation with some conditions. It seems that some of the homes were connected, but that the bulk of the lots sat idle. In 2004, Mr. Ray met with the City Manager, Richard Anderson, about this issue. Mr. Anderson researched the minutes and sent a letter to Mr. Ray confirming that the City was willing, at that time, to connect a total of 12 homes. Mr. Anderson also detailed the conditions under which those connections would be granted. Again, the property sat idle as far as municipal water connections apply.

In 2021, the City amended its code. Prior to 2021, the City allowed extra-territorial water connections. But Ordinance 21-08 amended this section of the code. The code now specifically states that "[n]o new culinary water connections outside of city limits will be granted from the time of this adopted ordinance except for...connections which existed prior to this ordinance..." Ephraim City Code 8.12.020 (R)(3).

Analysis

Here, it appears that the 2002 City Council adopted a policy that would allow Mr. Ray to connect up to 12 connections. This was an exercise of their legislative powers and Mr. Ray took advantage of that by connecting some of the homes to the City's water

system. But it is well-established that current and past councils cannot bind the legislative authority of future councils. *Plant Food Company v. City of Charlotte*, 214 N.C. 518 (1938). The Court in *Plant Food* indicated that councils could bind future councils to proprietary activity of government , but not governmental activity. Examples of proprietary activities may be contracts for software services, utility pole rental for other utilities, or bank service contracts. On the other hand, a legislative body cannot bind future councils on matters where public policy requires discretion.

This situation involves both proprietary and governmental activities. The proprietary aspects are the ongoing provision of water to the now existing water customers. The City is bound to keep supplying these users' water and no future council could repudiate that decision. But providing future connections is a different matter. On this, the council's minutes and approval are best seen as a public policy decision that allowed for future discretion. The Council exercised that discretion in 2021 when it adopted an ordinance that prohibited further water connections.

In essence, Mr. Ray had a standing offer from 2002 to 2021 that would have allowed him to connect these units. But when the council's policy direction changed in 2021, that offer was revoked and a new policy was instituted.

Conclusion

The City does not have to allow further water connections to Mr. Ray beyond what it has already granted.

Best,

Nic Mills

EPHRAIM CITY ORDINANCE 26-11

AN ORDINANCE PLACING A TEMPORARY LAND USE REGULATION MORATORIUM ON MULTI-FAMILY SUBDIVISION DEVELOPMENT, AND BUILDING ACTIVITY ON LANDS DESCRIBED HEREIN WITHIN THE CITY OF EPHRAIM

WHEREAS, the City Council of Ephraim is desirous of placing a temporary land use regulation moratorium on development activities, erection, construction, reconstruction or alteration of any multi-family subdivisions pursuant to Utah Code 10-9a-504; and

WHEREAS, the City Council has identified a critical need to address the City's water supply and development codes to address existing deficiencies. The City is in the process of procuring these resources, but needs to ensure that current conditions can be maintained so as not to accelerate the degradation of the existing facilities and resources; and

WHEREAS, the City Council has determined and found there is a compelling countervailing public interest to impose a temporary land use ordinance restriction in the form of a moratorium on any zoning, construction or development involving multi-family subdivisions within the City of Ephraim until these deficiencies can be addressed; and

WHEREAS, the City Council desires hereby to impose a 180-day moratorium on multi-family subdivision land use applications to allow time for adequate time to address these issues pursuant to Utah Code 10-9a-504.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EPHRAIM, UTAH:

1. Effective immediately upon enactment of this ordinance all new building, development activity, and any land use applications for a multi-family subdivision in any zone in Ephraim City are placed on hold, postponed, and prohibited. Any existing multi-family subdivision developments that have already been entitled shall be allowed to proceed as normal.
2. All multi-family subdivision development of any real property therewith located within the limits of Ephraim City are hereby temporarily prohibited, and there shall be a moratorium on the filing and approving of any application filed after the date of adoption of this Ordinance.
3. The moratorium established by this Ordinance shall apply to all applications for multi-family subdivision development, zoning changes, or any land use application associated therewith filed after the date of adoption of this Ordinance.
4. The moratorium shall be in effect for a period of 180 days from the date this Ordinance is adopted by the City Council. City staff shall work diligently to ensure that the moratorium is lifted as soon as changes can be reasonably implemented.
5. This Ordinance shall become effective immediately upon publication or posting as set forth by State law.

PASSED AND ADOPTED by the City Council of Ephraim, Utah, this 15th day of July 2026.

Chris Larsen
Mayor

ATTEST:

Candice Maudsley
City Recorder