

Minutes of The Price City Council Meeting

City Hall: Price, Utah

March 25, 1998, 5:30 p.m.

Present:

Mayor Lou Colosimo

Councilmembers: Roy A. Nikas, Betty P. Wheeler, Joe L. Piccolo, Stephen Bringhurst, Stephen L. Denison

Vernon W. Jones (Adminis. Ass't.), Joanne Lessar (City Recorder), Pat Larsen (Finance Director), Nick Sampinos (City Attorney), Gary Sonntag (PW Dir/City Eng.)

Others Present:

Eric Madsen, David Carter, Patty Wharram, Chris Wharram, Norma Procarione, Kent Jones, Kelly Jones, Bob Peirce, Andy Cunningham, Chris Wharram, Boy Scout Troop #907

Boy Scout Troop #907 led the Pledge of Allegiance.

Mayor Colosimo called the roll with the above members in attendance.

1. MINUTES - March 4, 1998, 7:00 A.M. Meeting

MOTION. Councilmember Nikas moved that the minutes of the March 4, 1998 7:00 a.m. meeting be approved as written. Motion seconded by Councilmember Bringhurst and carried.

2. MINUTES - March 4, 1998, 4:00 P.M. Meeting

MOTION. Councilmember Wheeler moved that the minutes of the March 4, 1998, 4:00 p.m. meeting be approved as written. Motion seconded by Councilmember Nikas and carried.

3. BID OPENING - 700 East 100 North Class "C" Road Construction

The following bids were received for the 700 East 100 North Class "C" Road Construction:

Henrie Construction, Price, Utah \$18,785.00

Valley Asphalt, Spanish Fork, Utah \$18,636.60

MOTION. Councilmember Nikas moved that a committee consisting of himself, Councilmember Denison, Gary Sonntag, Harold Valdez, and Pat Larsen, be appointed to review the bids and given the power to act. Motion seconded by Councilmember Bringhurst and carried.

4. COLLEGE BASEBALL FIELD - Discussion On Maintenance

Eric Madsen, College of Eastern Utah baseball coach, presented proposals regarding maintenance of the college baseball field. He questioned who owns the field and who is responsible to maintain it. Besides their usage, the Babe Ruth team uses it for their games. The college coaches would like to make some improvements to the ball park so that they can host some region tournaments. Babe Ruth is also hosting a regional tournament. They realize that someone does take care of the field during the summer, but they would like to make additional improvements that would relate directly to their

program. Babe Ruth has agreed with the proposal and has committed to helping take care of the field after the improvements have been made. Mr. Madsen asked if the Council could contribute \$2,500 to \$3,000 to assist with their proposal. The majority of the money would be used for the improvements and the balance for salaries of assistant coaches. Councilmember Nikas recommended that the coaches get together with the Council person and the supervisor over the park and go over these concerns; determine what needs to be changed and what can be done to help out and report back to the Council. Councilmember Piccolo recommended that the coaches set the criteria of how they want the field to be maintained. Suda Merriman, Parks Department Supervisor, would do anything she is asked to do. Once the field is brought up to standard, Mr. Madsen questioned if the field could be controlled as to who could use it. In the past, signs have been erected requesting that the field and equipment be taken care of, but vandalism still occurred. Councilmember Piccolo disagreed with locking the field. When the City has a facility such as this, it needs to be open to the public. However, rules need to be enforced to take care of it. Councilmember Bringhurst stated that a college facility needs to be maintained at a higher level as compared to a Little League field or Babe Ruth, etc. He is not sure that the Parks Department knows exactly what the college is looking for. He would like to see the college work with City staff and increase the level of maintenance. He feels there are some legitimate items in the proposal, but there are also areas of concern, such as providing funds to hire college coaches to maintain the fields. If this were to happen, he would insist that the maintenance be completed as proposed. He does not want to pay the coaches' salaries, but would have no problem if it were for maintenance work. As the agreement between the City and CEU is prepared to have the baseball team come here, it should be formalized in terms that the City will help maintain the field at the level in which Mr. Madsen recommends. He agrees with Councilmember Piccolo that the field should not be locked to the public, but it should be controlled. He recommended that the equipment be secured and stored to prevent vandalism.

Councilmember Bringhurst recommended that this be addressed further in a budget session and that Mr. Madsen contact Gary Sonntag and review the standards for a college field versus standards for other fields. Mayor Colosimo suggested that Mr. Madsen also ask the college for funds. Councilmember Piccolo requested that Mr. Madsen provide a time line on the suggested improvements and the costs so the Council can do some budgeting. He agrees with Councilmember Bringhurst regarding paying the college coaching staff. Mayor Colosimo directed that Mr. Madsen review his proposal with City staff and that the Council would review it further.

5. FRANCIS DUZENACK - Proposal To Purchase Surplus Property Approved

Mayor Colosimo presented a proposal from Francis Duzenack to purchase a parcel of surplus property located on 200 South, between 500 and 600 East. The proposal to purchase the property is for \$12,000. Mr. Duzenack stated in his proposal that he realizes the estimated value is \$15,000, but that it will cost between \$3,000 and \$4,000 to complete the improvements and paving on the property. Vern Jones stated that when some interest was first shown on this parcel of property, it was declared surplus on two different occasions and advertised for sale. The first appraisal was \$12,000 and it was advertised at a minimum acceptable bid of \$12,000. Approximately one year later, more interest was received and it was reappraised for \$15,000 and advertised at a minimum acceptable bid of \$15,300, which included the appraisal fee. The City did not receive any bids for either of the advertisements. Some time later, another individual made a proposal to purchase the property for \$10,500. The Council directed that the property be advertised for sale again. One bid was received in the amount of \$5,000. The Council rejected that bid. Approximately one month later, another individual offered \$7,000 or an alternate proposal of \$10,000 if the purchaser was able to split the property into two lots. The Council rejected that proposal. It was later determined that the property could not be split. **MOTION.** Councilmember Denison moved that the proposal to purchase the surplus property in the amount of \$12,000 be accepted. Motion seconded by Councilmember Piccolo and carried. The Council felt that the value of the offer is fair and reasonable and it would be in the City's best interest to sell the property.

6. D & S HEALTH AND NUTRITION, MIKE'S HANDYMAN SERVICE - Home Occupied Businesses Approved

Councilmember Piccolo reported that the Planning and Zoning Commission reviewed the following requests for home occupied businesses and gave a favorable recommendation.

D & S Health and Nutrition, 841 North 400 East, Devere K. Smith-Owner - Marketing business, retail sales of health supplements.

Mike's Handyman Service, 584 North Dover Circle, Mike Prichard-Owner - Small remodeling services.

MOTION. Councilmember Piccolo moved that the businesses be approved upon payment of the business license fee. Motion seconded by Councilmember Wheeler and carried.

7. CARBON COUNTY CHAMBER OF COMMERCE, COMPUTALOG WIRELESS SERVICES - Conditional Use Permits

Councilmember Piccolo reported that the Planning and Zoning Commission reviewed the following requests for Conditional Use Permits and gave a favorable recommendation.

Carbon County Chamber of Commerce - A-Frame Signs (Black Diamond Stampede Rodeo) - Temporary signs to advertise Black Diamond Stampede.

Computalog Wireless Services - 268 South Highway 55, Unit #2, Eric Roseman-Owner - Specialized electronic and mechanical services.

MOTION. Councilmember Piccolo moved that the above requests be approved and that Conditional Use Permits be issued. Motion seconded by Councilmember Wheeler and carried.

8. KAREN DUNN - Development of 700 South Street Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to allow Karen Dunn to construct a single family dwelling on a corner parcel of land located at 700 South 100 East by combining two lots within the Sterling Subdivision, subject to posting a letter of credit to guarantee the installation of a sidewalk along 100 East within one year and to install all of the necessary street improvements along 700 South at such time that the rest of the road is developed. **MOTION.** Councilmember Piccolo moved that the construction of a single family dwelling at the above location be approved and that staff be directed to prepare the letter of credit. Further, that the Mayor and City Recorder be authorized to execute the documents, that it be recorded at the office of the County Recorder, and that the agreement be attached to the deed. Motion seconded by Councilmember Nikas and carried.

9. MURRAY AND PAULINE SHORTS - Request For Non-Conforming Use (Duplex) - Denied

Councilmember Piccolo reported that the Planning and Zoning Commission reviewed and denied the request of Murray and Pauline Shorts for a variance to make the necessary repairs to a basement apartment in a home located at 644 North 200 East. The apartment has been vacant for approximately fifteen years. City Code states that if it has been shut down for one year, it loses the pre-existing status code. The Code states it is expressly prohibited to bring it back.

10. BOY SCOUTS SIGN - Price Community Center

Councilmember Piccolo reported that the Planning and Zoning Commission reviewed the request of the Boy Scouts to erect a sign at the Price Community Center. The Commission gave a favorable recommendation for a temporary sign on the existing posts located in the parkway, subject to removal upon the installation of a permanent central sign for the whole building. **MOTION.** Councilmember Piccolo moved that the request for the sign be approved and that a temporary Conditional Use Permit be issued. Motion seconded by Councilmember Wheeler and carried.

11. KATHRYN BURNHAM, NORMA PROCARIONE, DIANA BORDEA, GARY SONNTAG, HAROLD VALDEZ - Travel Approved

Mayor Colosimo presented the following travel requests:

Kathryn Burnham - Utah Municipal Treasurer's Spring Conference, St. George, April 29 - May 1.

Francis Duzenack - Annual IAEI Business Meeting and Seminar, May 3-6, Wendover.

Norma Procarione, Diana Bordea - Joint Utah Library Association/Mountain Plains Library Association Annual Conference, Salt Lake, May 6-9.

Gary Sonntag, Harold Valdez - City Streets and County Road School, St. George, April 28 - May 1, 1998.

MOTION. Councilmember Nikas moved that the travel be approved. Motion seconded by Councilmember Bringhurst and carried.

The Council returned to this item and discussed the travel request for Francis Duzenack. A travel request was approved at the last meeting for only one person from the Building Department to attend the seminar. As Francis selected Bob Bennett to attend, the Council questioned the placement of this travel request back on this agenda. Councilmember Denison stated that he talked to Francis after the last meeting and Francis stated that he too would like to attend. Joanne Lessar stated that when Francis talked to her, he indicated that he placed it on the agenda again after discussing it with Councilmember Denison. **MOTION.** Councilmember Piccolo moved that the travel for Mr. Duzenack be denied. Motion seconded by Councilmember Nikas and carried.

12. GARY KUTKAS - Retirement

Mayor Colosimo reported that Gary Kutkas, Utility Collector/Head Meter Reader, has submitted a letter indicating his plans to retire effective June 30, 1998. **MOTION.** Councilmember Nikas moved that Gary's retirement be accepted. Motion seconded by Councilmember Denison and carried.

13. METER READER #1 - Permission To Advertise

MOTION. Councilmember Nikas moved that permission be given to advertise for a Meter Reader #1, Temporary/Full Time. Motion seconded by Councilmember Piccolo and carried.

14. RYAN HORSLEY, FRED NICHOLS, JERRY FLORES, JESS WILDER - Rehires

JILL JOHNSON - New Hire

RON NEWMAN - Transfer

PARKS, CEMETERY, WATER TREATMENT PLAN - Permission To Hire Three Temporary/Full Time Employees

Mayor Colosimo presented the following personnel actions:

Rehires - Ryan Horsley, Swimming Pool, Laborer, Perm/PT (4-1); Fred Nichols, Water Treatment Plant, Laborer, Temp/FT (4-16); Jerry Flores, Maintenance, Laborer, Temp/FT (4-1); Jess Wilder, Viviette Samudio, Mary Noyes, Parks Department, Laborer, Temp/FT (5-1)

New Hire- Jill Johnson, Library, Library Aide, Perm/PT (4-1)

Transfer- Ron Newman - From Parks Dept. to Maintenance (3-26)

Parks, Cemetery, and Water Treatment Plant - Permission To Hire Three Temporary Laborers

MOTION. Councilmember Bringhurst moved that the personnel actions be approved. Motion seconded by Councilmember Nikas and carried.

15. WESTERN AREA POWER ASSOCIATION CONTRACT - Amendment Approved

Vern Jones presented an amendment to the existing contract with Western Area Power Association, which will change the method and rate of electrical energy delivered to Price City under the CRSP program. This was necessitated by directions from the Environmental Protection Agency that controls release flows out of reservoirs that generate power. WAPA cannot supply Price City with the full CRSP allotment. They can not generate the electricity. **MOTION.** Councilmember Nikas moved that the amendment to the contract be approved subject to review by Mr. Sampinos and that the Mayor and City Recorder be authorized to execute the documents. Motion seconded by Councilmember Denison and carried.

16. AFFORDABLE HOUSING PLAN - Approved

Vern Jones reported that last year the State Legislature passed House Bill #295, which requires all political subdivisions in the State of Utah to submit a report which inventories and identifies housing for low and moderate income families within their jurisdiction. The State has engaged a consulate group which has formulated a method by which we can accomplish the intent of this bill. It is basically gathering information which is mostly of a planning and zoning nature. He recommended that he and Francis Duzenack be directed to complete this plan on behalf of Price City. The plan will be

brought back to the Council for approval. **MOTION.** Councilmember Denison moved that the request be granted. Motion seconded by Councilmember Bringhurst and carried.

17. STATE DIVISION OF PARKS AND RECREATION - Permission To Submit Grant Applications

Vern Jones reported that the State Division of Parks and Recreation is accepting grant applications in the areas of riverway enhancement and three separate trails categories. He requested permission to submit on behalf of Price city a grant application for (1) river enhancement in connection with the plans that are being formulated for the detention basin in the Coves area; (2) riverway enhancement to work in conjunction with any efforts that may materialize with the proposed canal covering projects being pursued by the irrigation companies; and (3) non-motorized trails in association with the canal project as referenced in Number 2 above. **MOTION.** Councilmember Piccolo moved that permission be given to submit grant applications for the above projects. Motion seconded by Councilmember Denison and carried.

18. UTAH DEPARTMENT OF TRANSPORTATION - Drinking Water Source Protection Plan Agreement

Gary Sonntag reported that Price City is under obligation to submit to the State of Utah a drinking water source protection plan. As part of this plan, the City must complete an agreement with the owners of the water source and property to safeguard the water source from contamination. He presented a completed agreement with the Utah Department of Transportation. **MOTION.** Councilmember Denison moved that the agreement be approved and that the Mayor Colosimo and City Recorder be authorized to execute the documents. Motion seconded by Councilmember Nikas and carried.

19. CARBON CREDIT UNION - Development Agreement - Partial Release #1

Gary Sonntag reported that the Carbon Credit Union has requested a partial release of funds from the cashiers check they filed with the City. The amount to be released is \$31,130. It is based on completed street improvements to date. The landscaping, street lights and street pavement still need to be done. **MOTION.** Councilmember Bringhurst moved that the partial release be approved. Motion seconded by Councilmember Nikas and carried.

20. 800 NORTH STORM DRAINAGE PROJECT - D. Thomas Flynn Construction - Change Order #1 and Partial Payment #3

Gary Sonntag presented Change Order #1 to the contract with D. Thomas Flynn Construction Co. for their work on the 800 North Storm Drainage Project. The change order increases the contract \$28,662 to account for as-built quantities and adjustments. He also presented a final invoice from Flynn Construction in the amount of \$78,896.50. Gary recommended that 5% of this amount or \$17,127.35 be withheld until such time the contractor can return to the project and correct irregularities in the asphalt pavement patching. Because of this retainage, Gary recommended a partial payment of \$61,769.15. **MOTION.** Councilmember Nikas moved that the change order and partial payment be approved as recommended. Motion seconded by Councilmember Piccolo and carried.

21. UTAH DEPARTMENT OF TRANSPORTATION - Request For City To Control State Road 1332

Gary Sonntag reported that in recent years, the City and the Utah Department Of Transportation have discussed the possibility of the City taking over State Road 1332, which is the Carbonville Road that initiates at the intersection of 100 North and Price River Drive. The majority of this road is in the County except for a section that is within the City limits. It is approximately 1,000 feet long and goes past Taco Bell. This section was built and is owned by the Utah Department of Transportation (UDOT). He has been contacted by the UDOT asking the City for a formal request to do this. The UDOT would then in turn, own the property, but would relinquish control of its use. This type of agreement has already been accomplished at the end of Nick Lane and the end of Petro Lane where they meet the main State Road system. **MOTION.** Councilmember Nikas moved that the agreement to take over State Road 1332 as described above be approved and that the Mayor and City Recorder be authorized to execute the document. Motion seconded by Councilmember Denison and carried.

22. CLASS "C" ROAD IMPROVEMENTS AND BULK MATERIALS 1997-98 - Valley Asphalt Inc. - Change Order #3 and Partial Payment #6

Gary Sonntag presented change order #3 to the contract with Valley Asphalt, Inc., for their contract on the Class "C" Road Improvements and Bulk Materials 1997-98. The change order increases the contract \$3,711.53 for additional materials purchased to date. He also presented a partial payment request in the amount of \$3,148.83. **MOTION.** Councilmember

Nikas moved that the change order and partial payment be approved. Motion seconded by Councilmember Denison and carried.

23. HUMAN RESOURCE POSITION - Committee Appointed

Councilmember Nikas reported that he has been concerned with some issues that have developed within the City during the last six months. He feels one of the biggest assets in the City is employees. Two issues need to be addressed - how those employees are taken care of and how the citizens of Price feel the best way for the City to handle different situations. Employees need to have a fair and equitable pay plan, a benefit program that is flexible, opportunities for advancement, and defined goals. The policies and procedures manual needs to be kept up to date to correlate with State and Federal laws and there are issues with training and safety. The City has over 100 employees and that's a very serious responsibility. Several personnel issues have occurred over the last 6 months that has caused the Council some concern. He feels that the City needs a full time position that focuses on these issues. Some things are being done right, but he feels a lot of things can be done better.

Councilmember Nikas discussed the issue of economic development, and how many times the City has talked about planning, community relations, liaisons, etc. The City has heard several times from developers that it is hard to work with Price City and that things aren't being handled correctly. He has seen the City get excited over large projects and proceed with a shot gun approach. He sees a lot of opportunity where a staff person could be directed to oversee these projects and carry through with them. Too many times we give a generalized approach and not the authority to come back with some lined up decisions or deal makers. He feels that we are not moving ahead with economic development, community development or planning. He feels the Council needs to give staff more specific guidance and opportunities to take care of things. He is in favor of a full time Human Resource Director and re-evaluation and specific changes to the Administrative Assistant position that will give that position the authority to move ahead with planning, economic development, and community relations. Councilmember Piccolo stated that in addition to the above categories, he recommended addressing a problem resolution policy and officer. Problems fall within the City wherever they land. He feels this needs to be considered so there is a definite flow chart and pattern where the problems will fall so they don't get buried. Councilmember Piccolo recommended that a committee be formed to review and discuss the position of a Human Resource Director before a decision is made; perhaps organize what duties might be set forth in this position. **MOTION.** Councilmember Nikas moved that a permanent/full time Human Resource position be created effective July 1, 1998, and that a committee be established to draw up the final job description for that position, including the grade level. Further, that the committee consist of himself, Councilmember Piccolo, Nick Sampinos, Gary Sonntag and Mayor Colosimo, and that it be brought back to the Council. Motion seconded by Councilmember Denison and carried.

MOTION. Councilmember Nikas moved that another committee be appointed to create the Community Relations/Economic Development/Planning position and that this job description be included in the current Administrative Assistant position. Further that the committee consist of Councilmembers Denison, Bringhurst, and Wheeler, Gary Sonntag, Nick Sampinos, and Mayor Colosimo. Motion seconded by Councilmember Bringhurst and carried.

24. PRICE RIVER WATER IMPROVEMENT DISTRICT - Public Hearing Scheduled

Councilmember Bringhurst reported that Price River Water Improvement District is going to open up their budget and has scheduled a Public Hearing for April 7th. PRWID's intent is to modify the current budget approved in December, 1997, and use some of those funds to give back to the cities for their sewerlines and improvements.

25. BUILDING MAINTENANCE POSITION - Update

Councilmember Bringhurst reported that Councilmember Wheeler, Gary Sonntag, and himself met and discussed the Building Maintenance position. They are in the process of forming a job description and should have it available for the next meeting. They are looking at having this position take care of all the buildings in the City and have another department take care of the grounds.

26. ORDINANCE #98-002 - Unrestricted Access For Purposes of Meter Reading

Mr. Sampinos presented Ordinance #98-001, requiring property owners and residents within Price City to provide unrestricted access into properties for purposes of meter reading. **MOTION.** Councilmember Nikas Moved that Ordinance #98-001 be adopted, that the Mayor and City Recorder be authorized to sign the ordinance, and that it become effective upon publication. Motion seconded by Councilmember Piccolo and carried.

27. NORTH BASEBALL COMPLEX UPPER PARKING LOT - Contract Awarded

Councilmember Nikas reported that the committee assigned to review the bids received for the North Baseball Complex Upper Parking Lot awarded the contract to Eph Henrie Construction, the low bidder.

28. RESOLUTION #98-05, LEASE/PURCHASE AGREEMENT - First Security Bank

MOTION. Councilmember Nikas moved that Resolution #98-05, authorizing the lease/purchase agreement with First Security Bank for the purchase of two police cars be adopted and that the Mayor and City Recorder be authorized to sign the resolution and the agreement with First Security Bank subject to review by Mr. Sampinos. Motion seconded by Councilmember Denison and carried. Pat Larsen indicated that the lease will be over a 5 year period at 5.1% interest.

Meeting adjourned at 8:03 p.m.