

Minutes of the Price City Council Meeting
City Hall
Price, Utah
April 22, 2015 at 5:30 p.m.

Present:

Mayor Piccolo

Councilmembers:

Wayne Clausing

Layne Miller

Kathy Hanna-Smith

Kevin Drolc, Police Chief

Nick Sampinos, City Attorney

Gary Sonntag, Public Works Director

Nick Tatton, Community Director

Lisa Richens, Finance Director

John Daniels, Human Resources Director

Sherrie Gordon, City Recorder

Excused Absence: Councilmember Davis, Councilmember Nelson and Brett Cammans, Customer Service Director

Present: Warren Benson, Scott Young, Dana Young, Celeste Smith, Quint Pickup Steve Cave, Monty Jensen, Carol Carlson, Merrill Carlson, Russell Seeley, Kendra Seeley, Rusty Seeley, Lilly Seely, Joel Seeley, Andrew Seeley, Francisco Molinar, Selene Molinar, Mineya Molinar, and Dominic Rondinelli

1. Mayor Piccolo called the regular meeting to order at 5:30 p.m. He led the Pledge of Allegiance.
2. Roll was called with the above Councilmembers and staff in attendance.
3. PUBLIC COMMENT – No public comment was received.
4. COUNCILMEMBERS REPORT - The Councilmembers presented an update on the activities and functions in which they have participated since the last council meeting.
5. MISS CARBON COUNTY - Celeste Smith
Celeste Smith introduced herself as the new Miss Carbon County 2015 and stated that she was available if Price City needed her for anything in the future. Her platform is Domestic Violence Awareness. She invited the Mayor and Council to join her in the “Walk A Mile In Her Shoes” that she along with the Oliver family is sponsoring on Saturday, April 25, 2015. She will be representing Carbon County in June at the Miss Utah pageant. She would appreciate any type of sponsorship towards this event.
6. SCOTT K. YOUNG, GRASSY TRAIL WATER COMPANY BOARD - Submitted letter requesting the water company infrastructure and operation be taken over by the City.
Mayor Piccolo invited Mr. Young to the podium.

Mr. Young reviewed the letter sent to Gary Sonntag, Price City Public Works Director, on April 13, 2015. The letter states that the annual 2015 meeting of the Grassy Trail Water Company (which is located in south Carbonville) membership made a motion to investigate the possibility of Price City assuming ownership of our company. They currently buy their water wholesale from Price City. The reasons for their request are many. State regulations with regards to lead testing, OSHA standards for road opening, barricading, proper repair procedures, and fire system tests, are a bit beyond their scope of knowledge. Their water line is primarily constructed of schedule 40 PVC 4-inch and 2-inch pipe. This line was installed in the late 1980s. There is one section of 2-inch metal pipe (approximately 225 feet). They have had minimal leaks. There are 15 connections, all with functioning meters. What can Grassy Trail Water Company do to facilitate this process? Price City’s consideration is greatly appreciated.

Gary Sonntag, Public Works Director, stated that the integrity of the system is there. There is one fire hydrant. Council requested Mr. Sonntag prepare an independent study to compare it with other acquisitions the City has made and report back within 30-days with recommendations.

Councilman Clausing asked if the homeowners are willing to absorb the cost of upgrading their meters. The water company stated they have some funding and it would be put towards the cost. Indication was given that the homeowners will pick up the balance.

MOTION. Councilmember Clausing moved to have this item put on a future agenda as unfinished business when all of the reports and recommendations are available. Motion seconded by Councilmember Hanna-Smith and carried.

7. EDUCATIONAL SCHOLARSHIP - Presentation by Mierya S. Molinar for consideration and possible approval of an educational scholarship for local college attendance. The Mayor and City Council awarded a \$650 educational scholarship to Mierya S. Molinar to attend USU Eastern.

MOTION. Councilmember Hanna-Smith moved to approve the scholarship in the amount of \$650.00 Motion seconded by Councilmember Miller and carried.

8. RESOLUTION 2015-04 - Consideration and adoption of Resolution 2015-04 to amend and update personnel policies and procedures regarding harassment and discrimination. Ref. Memo to City Council dated April 13, 2015 (copy attached)

MOTION. Councilmember Clausing moved to approve the adoption of Resolution 2015-04 to amend and update personnel policies and procedures regarding harassment and discrimination. Motion seconded by Councilmember Hanna-Smith and carried.

9. 2015-2016 EMPLOYEE BENEFIT PORTFOLIO - Consideration and approval to accept the renewal, prescribed premiums, and designs of all components of the employee benefit portfolio as now constituted, and authorize the Mayor and staff to execute all documents and take actions necessary to implement the subject renewals.

John Daniels, Human Resources Director, presented a brief overview of the 2015-2016 Employee Benefit Portfolio. Open enrolment will be on May 7, 2015.

MOTION. Councilmember Hanna-Smith moved to approve the renewal prescribed premiums, and designs of all components of the employee benefit portfolio as presented. Motion seconded by Councilmember Clausing and carried.

10. PRICE CITY MUNICIPAL WASTE WATER PLANNING PROGRAM RESOLUTION - This is a self-assessment enabling the Water & Sewer Department to demonstrate to the State Division of Water Quality that they have the capacity to audit themselves and make necessary improvements. Copy attached.

Gary Sonntag, Public Works Director, stated the State has implemented and engaged in and document waste water planning and they are asking for a resolution that encompasses self-assessment. The information collected will assist the State's effort to help local communities help themselves.

MOTION. Councilmember Miller moved to approve Resolution 2015-05 the resolution for the Water & Sewer Department to demonstrate to the State Division of Water Quality that they have the capacity to audit themselves and make necessary improvements. Motion seconded by Councilmember Hanna-Smith and carried.

11. PROCLAMATION BY THE MAYOR TO DESIGNATE THE WEEK OF MAY 17-23, 2015 AS PRICE CITY PUBLIC WORKS WEEK –

Gary Sonntag, Public Works Director, stated that this year's theme is "Community Begins Here" which speaks to the essential nature of Public Works services in support of every quality of life. Mayor Piccolo read aloud and signed the proclamation for Price City Public Works Week.

MOTION. Councilmember Hanna-Smith moved to approve the proclamation. Motion seconded by Councilmember Clausing and carried.

PLANNING AND ZONING COMMISSION –

12. REAL PROPERTY PURCHASE REQUEST - Continued consideration, review and discussion regarding proposal by Kerry Jensen to consider surplus and sale of real property located at approximately 850 North 100 East.

Nick Tatton, Community Director, presented an updated proposal by Kerry Jensen to consider surplus and sale of real property located at approximately 850 North 100 East. The Planning and Zoning

Commission reviewed the request at the April 20, 2015 meeting. The Commission asked Mr. Jensen for additional information and to contact the property owners to the west to gauge their interest in participation in the purchase request and report back to the Commission.

Mr. Tatton stated that over time, approximately 25+ years, several private property owners, including Mr. Jensen, have encroached on property owned by the City. The Planning and Zoning Commission has been working with Mr. Jensen for the last two months to come to a resolution that may accommodate his purchase request.

Mr. Tatton stated that multiple meetings and evaluations with The Planning and Zoning Commission have taken place. They have reviewed different layouts of the property purchase proposal. Mr. Jensen was required to contact all 900 North neighbors.

The Planning and Zoning Commission took the following into consideration during their deliberations and discussions regarding the request:

- Impact on overall Price City property
- Real Property Management Policy and Decision Process Approved by Price City
- Slope/grade concerns expressed by Price City Public Works
- East 4 neighbors ; West 6 neighbors; All 10 neighbors; interest in purchase process
- Triangle request; straight line request; 35 feet; 40 feet
- Access and City use of west end of property for storm water management
- Overall property access from the west end.

Mr. Tatton stated that the Planning and Zoning Commission recommended that the Price City Council consider surplus and sale of up to 40' of property along the north side of the Olsen Reservoir property adjacent to the east 4 residential properties along 900 North only and subject to the following conditions of approval:

- Access by each property owner to purchased property only from existing property and street frontages, not through Price City property.
- Property owners to complete an independent third party engineering review and report regarding the mitigation of the old reservoir concrete and any grade/slope stabilization that may be necessary. Report to be provided to Price City Engineer for approval before sale to take place. Staff recommendation is that this be required to be completed by June 30, 2015.
- Property owners requesting purchase to pay all costs associated with the transaction including but not limited to appraisal, engineering, publication, administrative, surveying, and legal expenses.
- Process to follow the established Price City procedure for surplus, valuation, bids, sale, etc.
- Any and all encroachments onto Price City property by the property owners along the City's boundary line be removed if the purchase process is not approved by the Price City Council. Any other encroachments by all property owners along the property line to be removed within 30 days.
- Sale process to be by quit claim deeds.

Councilmember Miller stated he had independently met with Mr. Jensen regarding this issue outside of the City Council setting, creating a potential conflict of interest. He would like to listen to the information provided but will not vote on a possible resolution. Mayor Piccolo questioned the standing of the Council with Councilmember Miller abstaining from any vote regarding a quorum. It was determined that a quorum was present and the Council was able to proceed to consider the matter and to vote if they were so inclined.

Nick Sampinos, City Attorney, stated that he was one of the affected property owners. He notified, by email, the Mayor, Council and Nick Tatton, to disclose his conflict of interest. He has not taken a position either for or against Mr. Jensen's proposal. He also indicated to Mr. Jensen and to Mr. Tatton, in the event that any further legal review is requested by the Planning and Zoning Commission and/or the Mayor and City Council, it is his opinion that another local attorney should be contacted for assistance and any legal fees associated with outside counsel should be charged to the homeowners requesting purchase of City property. The City should not incur expense concerning the proposal. Councilmember Clausen suggested that each property owner be contacted individually and a formal

document be presented for consideration. Mr. Tatton will prepare letters to all property owners listing all of the facts pertinent of the request by Mr. Jensen and provide to Mr. Jensen to use when contacting the property owners. The document will address encroachment on Price City property. Councilmember Hanna-Smith stated that documentation from each property is needed. Also, a time limit of 60-days for property owners to respond should apply. Mayor Piccolo directed staff to move forward to gather additional information for a resolution of the matter. The Council also requested that Mr. Tatton ask Mr. Jensen to provide additional information regarding the potential for vacating or relocating any utility easements that may exist along the current property lines.

MOTION. Councilmember Clausing moved to direct staff to request additional information from Mr. Jensen and report back to City Council once the information is received from Mr. Jensen. Motion seconded by Councilmember Hanna-Smith and carried.

13. **CONDITIONAL USE PERMIT** – Nick Tatton stated that due to a lack of a quorum at the Planning and Zoning Commission meeting on March 23, 2015, they conducted a courtesy review only for the applicant in attendance and reviewed the conditions. At the April 6, 2015 meeting the Planning and Zoning Commission gave a favorable recommendation on the application for a Conditional Use Permit as follows:
 - a. **SKIN ART, TATTOO, PIERCING LAND USE**. Consideration and possible approval of a skin art, tattooing, and piercing land use located at 585 East Main Street within the Commercial 1 (C-1) zoning district called Halo's and Horns, David Lee Whittemoore.
 - a. Completion of building safety inspections by the Price City Building Inspector and Price City Fire Chief, prior to business occupancy, and compliance with all safety recommendations stemming from the review finding that properly inspected and updated commercial buildings protect the health, safety and welfare of the community.
 - i. Any building renovations to be completed under the auspices of a Price City Building Permit.
 - b. Completion of a written agreement between Halo's and Horns, David Lee Whitmore, and Price City regarding the restriction of sales of items that may be considered illicit drug paraphernalia or that would subject the business to the provisions of the SOB ordinance finding that a clear and written record of approved land use matters mitigates the potential for future misunderstandings.
 - c. No activity or operations that may be considered in violation of any state statute or local municipal rule, regulation or ordinance finding that legally operating businesses provide economic value to the community and increase commercial activity
 - d. No on street parking finding that the ingress and egress from the parking lot is adjacent to an intersection and a blind vertical curve in Main Street. All parking to be maintained in the off street parking lot.
 - e. No signage, other than window signage depicted in application authorized finding that no sign plan has been submitted for review. Any additional business signage must be submitted for review and consideration and possible approval prior to installation.
 - f. Maintenance of all State of Utah and Southeastern Utah District Health Department permits, licenses and other requirements in good standing finding that properly licensed and permitted businesses protect the health, safety and welfare of the community.
 - g. No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties protect area property values and is consistent with the Price City General Plan.

MOTION. Councilmember Miller moved to approve the Conditional Use Permit for Halo's and Horns with the conditions indicated. Motion seconded by Commissioner Clausing and carried.

CONSENT AGENDA – Councilman Hanna-Smith moved to approve consent agenda items 14 through 23, with item 17 removed for discussion. Motion seconded by Councilmember Miller and carried.

14. **MINUTES**
 - a. April 8, 2015 CDBG Meeting
 - b. April 8, 2015 City Council Meeting

15. LOCAL CONSENT - Local consent for a single event alcohol permit for Greek Festival Days, July 10-11, 2015.
16. EMPLOYEE PROMOTION - Approval of a career ladder promotion for Trevor Lindt from Water Treatment Sewer Operator I to Water Treatment Sewer Operator II in accordance with Price City promotion guidelines. Ref Memo dated April 8, 2015 (copy attached)
17. APPROVAL TO PROCEED WITH THE MURAL RESTORATION AND CLEANING - Work tentatively planned to take place October 2015.
Councilmember Hanna-Smith stated that the company, FACL, Inc. that submitted mural bids is excellent. She believes they can assist in promoting the project. She feels we should take the opportunity to invite the media to assist in making the public aware of the project and get involved with the restoration.
MOTION. Councilmember Hanna-Smith moved to proceed with the mural restoration and cleaning project. Motion seconded by Councilmember Miller and carried.
18. UTAH FOSTER CARE - Authorization to place Utah Foster Care Foundation banners at the Peace Gardens for the month of May 2015 in celebration of National Foster Care Month.
19. ANNUAL ADVERTISING CONTRACT - Consideration and possible approval of an annual advertising contract between Price City and AJB Broadcasting for the 2015-2016 fiscal year.
20. INTERNATIONAL DAYS CELEBRATION AUDIO/VISUAL SERVICES AGREEMENT - Consideration and possible approval of an Agreement between Price City and Breinholt's Horizon Audio LLC.
21. 1900 EAST PHASE I: AIRPORT ROAD TO 300 NORTH (Project 1C-2015) - Approval of Local Government Contract through UDOT for Construction Engineering Services from Jones and DeMille Engineering for the construction of 1900 East Phase I for \$76,887.71 (Budgeted).
22. 1900 EAST PHASE I: AIRPORT ROAD TO 300 NORTH (Project 1C-2015) - Approval of Agreement with B2 Land Services LLC, to acquire temporary construction and permanent rights of way for the construction of 1900 East Phase I for \$16,000 (Budgeted).
23. TRAVEL REQUESTS -
Travis Byrge, Heavy Equipment Safety Training, ULTAP, April 26-27, 2015, Monticello, UT.
Debbie Worley, Crime Victims Conference, Utah Council on Victims Crime, April 29-May 1, 2015, Midway, UT.
Chief Kevin Drolc, Utah Governor's Public Safety Summit, May 4-6, 2015, Layton, UT.
Lisa Richens, Annual Government Auditing Update, April 30-May 1, 2015, Salt Lake City, UT.
24. COMMITTEES - Updates presented.
 - a. Water Resources
Gary Sonntag, Water Works Director, discussed the water shortage. He would like Price City and Price City staff to take the lead in water conservation measures. He stated he has met multiple times with the State Engineer's Office, and to include at times meetings with other water users, and the River Commissioner. He requested permission to form a Steering Committee to allow Price City and Price City staff to take the lead to be involved in the whole process.
MOTION. Councilmember Hanna-Smith recommended Gary Sonntag and Price City staff, at his discretion, move forward to further water conservation measures and report back to Council their findings. Motion seconded by Councilmember Clausing and carried.

Gary Sonntag requested permission to insert a water conservation alert information with the utility bills.
MOTION. Councilmember Miller recommended to approve authorization to insert a "Water Conservation Alert" in customers' utility bills. Motion seconded by Councilmember Hanna-Smith and carried.
 - b. Emergency Planning
 - c. Community Progress - Culture Connection
Do to water conservation concerns, the Community Progress Committee decided to take the lead

and not plant flowers in the Price City flower pots. Plants were ordered long ago and have been purchased. Plants will be planted where a water system is in place. They will be planted at the Peace Garden, Washington Park and 100 North. A sub-committee will go door-to-door and let the citizens know why there are no plants in the pots. The sub-committee will also meet with Price City business owners and provide information regarding window painting on store front windows.

- d. Power Committee
- e. International Days

25. UNFINISHED BUSINESS -

- a. Recycling – no report provided.
- b. Nick Tatton stated that there has been an issue coming through his office. He is getting complaints regarding the garbage bins sitting on the college campus.

26. EXECUTIVE SESSION - Closed

Strategy session, pursuant to Section 52-4-205, Utah Code Annotated, to discuss possible purchase of water shares or rights. Discussion to include disclosure of appraisal or estimated value of the water shares or rights offered and a closed session is necessary to complete a potential transaction on the best possible terms. The Executive Session will be held in Price City Hall, 185 East Main, Price, UT, in City Council Chambers.

Mayor Piccolo requested to close the meeting for a strategy session in regards to a possible purchase of tentative water shares or rights at 7:15 P.M. He asked for a motion to close the meeting. Councilmember Miller made a motion to close the City Council meeting and move into Executive Session. Motion seconded by Councilmember Hanna-Smith and carried.

Mayor Piccolo asked the City Recorder to call for a vote by name of each member of the public body for or against the motion to close the meeting and to conduct a strategy session:

- Councilmember Miller - Yes
- Councilmember Hanna-Smith - Yes
- Councilmember Clausing – Yes

Mayor Piccolo stated that Councilmember Davis and Councilmember Nelson were absent for the City Council meeting as indicated at the beginning of the meeting.

Following conclusion of the closed strategy session, Mayor Piccolo resumed the regular open meeting.

MOTION. Councilmember Hanna-Smith moved to have staff move forward with due diligence investigation concerning the water right that was offered to Price City and that findings and recommendations be reported back to City Council. Motion seconded by Councilmember Clausing and carried.

The regular City Council meeting adjourned at 8:06 p.m. by Mayor Piccolo pursuant to the motion by Councilmember Clausing.

APPROVED:

ATTEST:

Joe L. Piccolo, Mayor

Sherrie Gordon, City Recorder