

Present:

Councilmembers:	Nick Sampinos, City Attorney
Jeff Nielson	Nick Tatton, Community Director
Jeanne McEvoy	Pat Larsen, Finance Director
Richard Tatton	Aleck Shilaos, Police Chief
Rick Davis	Gary Sonntag, Public Works Director
Kathy Hanna-Smith	Laurie Tryon, City Recorder
	Bret Cammans, Customer Service Director

Others Present: Erroll Holt, Kevin Scannell, Keith Cox, Paul Bedont and Chad Greenhalgh

Excused Absence: Mayor Joe Piccolo and Human Resource Director- John Daniels

**MOTION.** Councilmember Nielson moved for Councilmember Davis to serve as Mayor pro tempore. Motion seconded by Councilmember Hanna-Smith and carried.

Mayor pro tempore Davis called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. Roll was called with the above Councilmembers and staff in attendance.

1. **PUBLIC COMMENT-** No public comment was received.  
Chad Greenhalgh, Price City Parks and Cemetery Supervisor, presented the Arbor Day Foundation Tree City USA Award that the City had recently been awarded for the 21<sup>st</sup> time. He reported that the City had again met the four standards to become a Tree City USA Community: Tree board or department, tree-care ordinance, comprehensive community forestry program and an Arbor Day observance and proclamation. A new flag was provided to the City to replace the flag in the Peace Gardens. He stated that Price City offers Arbor Day activities with the elementary schools and actively pursues the pruning and care of local trees in the community on a daily basis. The Councilmembers thanked Mr. Greenhalgh for the presentation and for all of the department's hard work to keep Price City qualified as a Tree City.
2. **COUNCILMEMBERS REPORT-**The Councilmembers presented an update on the activities and functions in which they have participated.
3. **ZION'S BANK PRESENTATION-** Erroll Holt  
Erroll Holt, representing Zions Bank presented Price City with a gift for its 100<sup>th</sup> Birthday celebration. The Councilmembers thanked Mr. Holt on behalf of Zions Bank. The gift will be displayed in the City Hall showcase for many years to come.
4. **PUBLIC HEARING-**To receive input regarding proposed updates to the Price City Land Use Management and Development Code.  
**MOTION.** Councilmember Hanna-Smith moved to open the public hearing at 6:01 p.m. Motion seconded by Councilmember Tatton and carried. No public comment was received. Nick Tatton briefly explained the updates to the Land Use Management and Development Code. He stated that the updates are considered interim code updates and have come about due to needs arising with group homes and items from the training retreat. **MOTION.** Councilmember Hanna-Smith moved to close the public hearing at 6:03 p.m. Motion seconded by Councilmember Tatton and carried.
5. **PUBLIC HEARING-**To receive input regarding final approval of a proposed 12-lot residential subdivision located at approximately 1400 North 300 East.  
Councilmember Nielson declared a conflict of interest with the public hearing item. He stepped down from his Council seat and sat in the audience.  
**MOTION.** Councilmember Hanna-Smith moved to open the public hearing at 6:03 p.m. Motion seconded by Councilmember McEvoy and carried. No public comment was received. Nick Tatton described the 12-lot subdivision and the Planning and Zoning Commission's recommendation from the meeting held on April 25, 2011 to approve the subdivision contingent upon the legal review from the City Attorney of the developer's request to waive the traditional bond requirements concerning the street improvements on this project. **MOTION.** Councilmember Hanna-Smith moved to close the

public hearing at 6:05 p.m. Motion seconded by Councilmember Tatton and carried. Councilmember Nielson returned to his Council seat.

6. WATER TANK GARAGE DOOR-(includes man door, vent, concrete entry pad and electrical)—Project #6C-2011: Authorization to award project to B. Hansen Construction Inc. for \$23,700.00 which exceeds budgeted amount by \$18,700.00. B. Hansen Construction Inc. submitted lowest bid on April 21, 2011. Budgeted (City) amount of \$5,000 was approved by City Council November 23, 2010.

Gary Sonntag requested the Council's direction on this project as the bid amount far exceeded the budgeted amount. Councilmember Tatton stated that there is an outside interest in the parcel of ground that the tanks are on. He stated that the money from a sale of the land could be used to build a storage building for large float vehicles and other such uses. Gary Sonntag stated that there are two suggestions from the City Council; surplus the water tanks and sell the property or maintain the tanks and use them as storage facilities for City parade floats and such. He stated that the storage idea was the grounds for the water tank garage door bid process. Councilmember Nielson asked Mr. Sonntag if using the tanks as storage was what Mr. Sonntag would prefer. Mr. Sonntag stated that he did not want to use the tanks as storage and the storage idea came from the City Council. Councilmember McEvoy stated that she would like to table the item and have more time with the Councilmembers to review both the tank issue and the parade float storage option. **MOTION**. Councilmember Tatton moved to table the item for further discussion and to reject the bid from B. Hansen Construction Inc. for the garage door bid. Motion seconded by Councilmember Nielson and carried.

PLANNING AND ZONING COMMISSION-Nick Tatton reported that the Planning and Zoning Commission gave the following recommendations on an application for a Conditional Use Permit:

7. CONDITIONAL USE PERMIT:

LAND SUBDIVISION- 12-lot Residential Subdivisions-Dayspring Developers-Cave Hollow III-1400 N. 300 E.

Councilmember Nielson excused himself from the room due to his declaration of a conflict of interest as identified in item 5 above.

Nick Tatton reported that the Planning and Zoning Commission recommended approval of the 12-lot Residential Subdivision for Dayspring Developers-Cave Hollow III contingent upon the approval of City Council of a guarantee concerning the infrastructure development and review by the City Attorney, noting the Commission's concerns. Included in the motion was direction for staff to present the concern of the Commission regarding the financial security associated with the Development Agreement and the two methods of security being discussed. Mr. Tatton stated that a hybrid method, in lieu of posting a bond, was being considered whereby the plat would not be allowed to be recorded and lots would not be eligible for sale until all infrastructure required by the City was complete. The traditional method which is used on all developments would be implementation of a bond, surety and development agreement together. Mr. Tatton explained that the Planning and Zoning Commission was uncomfortable with the hybrid method and more comfortable with the traditional method. Mayor pro tempore Davis asked the City Attorney if there was a liability issue with the hybrid method. The City Attorney stated that it was up to the City Council to choose which method they would like Dayspring Developers to follow; i.e. bending the City's rule to allow the hybrid method or stick with the traditional method required of other developers. He stated that the downside to opening the door on the hybrid method is that it will set precedence for other developers. Councilmembers Tatton and Hanna-Smith stated that they both prefer the traditional route so that infrastructure and agreements are followed and projects are completed. Nick Tatton stated that per a discussion with Mayor Piccolo earlier in the day, the Mayor was in favor of the subdivision with the conditions set by the Planning and Zoning Commission that the Development Agreement should be non-transferrable and was in favor of the traditional bonding method. Councilmember McEvoy stated that she was in favor of the traditional method not only for the City's investment with the project but for the assurance of taxpayers and future developers.

Mr. Keith Cox, of Dayspring Developers, stated that they did not invent the hybrid method but because they knew it had been done once before they wanted to ask. He stated that they didn't expect a favor from the City; they were just approaching the idea because of financial recruitment with taking out a bond. He stated that they recognized the liability and were just trying to keep the price of the lots to a minimum. Nick Tatton stated that a list of conditions from Planning and Zoning is the final determination of the infrastructure guarantee and the surety bond and Development Agreement would be the guarantee for the City. He stated that because the City Code does not dictate whether the developer has to carry a bond it was the decision of the City Council on which method is acceptable.

**MOTION.** Councilmember Tatton moved to approve the 12-lot subdivision for Dayspring Developers with a non-transferrable Development Agreement, traditional bond and infrastructure conditions from the Planning and Zoning Commission. Motion seconded by Councilmember Hanna-Smith and carried.

CONSENT AGENDA-**MOTION.** Councilmember Hanna-Smith moved to approve the Consent Agenda items 8 through 28. Motion seconded by Councilmember Tatton and carried.

8. MINUTES
  - a. April 13, 2011 City Council Meeting
9. BUSINESS LICENSES- Authorization to a business license for C & H Window Cleaning, 550 Eastridge Rd. (HOB)
10. ORDINANCE 2011-003- Consideration and possible approval of an ordinance adopting updates to the Price City Land Use Management and Development Code.
11. FEE SCHEDULE-Consideration and possible approval of an update to the planning department fee schedule adding reasonable accommodation review and hearing.
12. 2011 HELPER ARTS AND MUSIC FESTIVAL- Authorization to sponsor the festival with a \$1,000 contribution from Price City.
13. ASSUMPTION GREEK ORTHODOX CHURCH- Authorization to approve a Local Consent Single Event Permit for the Greek Festival Days on July 8 and 9, 2011.
14. RESOLUTION 2011-06 Adopting the revised National Incident Management System (NIMS) to provide emergency and disaster training for designated officials and personnel of Price City.
15. MEMORANDUM OF UNDERSTANDING-Consideration and possible approval of a Memorandum of Understanding (MOU) between the Castle Country Regional Information Center (CCRIC) and the partners, including Price City.
16. GREEN TEAM LETTER-Consideration, review and possible approval of a letter to be provided to the Carbon County Transportation & Recreation Special Service District indicating support of funding for Green Team Recycling Trailers.
17. FIRE DEPARTMENT- Authorization to award the low bid for the #5E-2011 Aerial Ladder Truck to Rosenbauer-Fire Trucks West. The total of FEMA's 2010 Assistance to Firefighters Grant is \$756,000.00 with Price City required to pay 5% or \$37,800.00 and FEMA paying 95% or \$718,200.00. The total bid from was \$719,303.00. FEMA has directed Price City to use the remaining funds to obtain comprehensive physical exams for all firefighters and the remaining funds for equipment on the vehicle.
18. RENTAL FEE WAIVER- Authorization to waive the fee for use of Pioneer Park on July 14, 2011 for the Carbon High Football Booster Club
19. POLICE DEPARTMENT- Authorization to renew the Drug Task Force and Victim Advocate Grants
20. INTERNATIONAL DAYS- Authorization to approve an ATM Placement Agreement between Cambria Financial Group LLC., and Price City for the 2011 International Days event.
21. 800 NORTH 100 EAST CONCRETE ROAD WORK (Intersection, West side)—Project #4C-2011: Authorization to award project to B. Hansen Construction Inc. for \$13,085.00. B. Hansen Construction Inc. submitted lowest bid on April 21, 2011. Budgeted-CIB.
22. EMERGENCY GENERATOR WALL (City Hall, North side, includes wall around electrical and air handling equipment)—Project #5C-2011: Authorization to award project to B. Hansen Construction Inc. for \$24,657.00. B. Hansen Construction Inc. submitted lowest bid on April 21, 2011. Budgeted-City.

23. CANAL WEED SPRAYING—Authorization to award project to Castle Valley Landscaping Inc. for \$2,395.00. Castle Valley Landscaping Inc. submitted lowest bid on April 21, 2011. Budgeted-City.
24. SILVER SPUR CONSTRUCTION LLC.—Price City Wastewater Improvements Division of Water Quality (DWQ) (12C-2009). Final Payment. All construction work is finished and Consent of Surety has been received. Original Contract, \$772,933.00; Change Order #1: \$38,451.52; Change Order #2: \$11,315.00; Change Order #3: \$115,870.09; Final Contract Amount: \$938,569.61. Payments: Partial #1 \$86,302.89, #2 \$65,233.67, #3 \$95,498.69, #4 \$155,443.61, #5 163,515.63, #6 65,455.60, #7 \$131,364.78, #8 \$112,248.76 #9 \$16,577.50, Final #10 \$46,928.48; Total \$938,569.61.
25. DAUGHTERS OF THE UTAH PIONEERS, (DUP), Pioneer Park, 550 North 100 East, ‘Pioneer Mother’ Statue. Cooperative Agreement to facilitate a project to bring about the construction of a statue and related improvements.
26. HI PRICE LLC.-Quit Claim Deed, Price City property adjacent to Holiday Inn. City staff have been notified by counsel representing Holiday Inn that during a transaction with Price City a parcel conveyed to Mega Corporation 1984 (now Holiday Inn) along side Westwood Blvd. was recorded out of order, prior to the City receiving the property from Carbon County, 1986. A Quit Claim Deed with the same content (1984 QCD, attached) has been prepared for recording. This has been reviewed by staff and the City Attorney.
27. ELECTRICAL UTILITIES – Authorization to enter into a temporary contract with Stake Center Locating for Electrical Blue Stake services and to enter into a permanent contract when the contract has been completed and reviewed by the Mayor, Utility Dept and the City Attorney.
28. TRAVEL REQUEST  
John Daniels-TAC Meeting, April 28, 2011, St. George, Ut. Est. Expense \$121.00 (within budget)
29. PRWID- Councilmember Tatton reported on the results of the last PRWID Board meeting.
30. WATER RESOURCES- Update by Gary Sonntag
  - Emma Park Wells- project awarded and in mobilization stage
31. EMERGENCY PLANNING- Update by Paul Bedont
  - Schedule for 100 and 700 training being taught on April 28, 2011 for all employees needing the training
32. COMMUNITY PROG.-CULTURE CONNECTION-Update by Councilmember Hanna-Smith
  - Schedule is ready done for concerts in peace gardens
33. POWER COMMITTEE- Update by Mayor Protempore Davis
  - LED Lights- requested information from LED providers
34. INTERNATIONAL DAYS- Update by Councilmember Hanna-Smith
  - Planning Centennial grand finale
  - Everything is on track
35. UNFINISHED BUSINESS
  - a. Recycling

NEW BUSINESS:

Nick Tatton reported for Mayor Piccolo that everything is coming together for the Centennial Celebration. He stated that the Committee is looking for ideas from everyone for the time capsule. He reported that there will be bricks and buttons to commemorate the celebration, a marshmallow dance schedule and a float created by the Boys and Girl Club.

Gary Sonntag stated that someone from Wellington Elementary asked to use the City’s mobile stage. He stated that the stage is only used for the CEU/USU graduation program and has never been used for other events. The Council decided that because the school goes beyond city limits for transportation

mobilization, costs for employees to transport, condition of stage and no agreement in place that the request be denied. Mr. Sonntag stated that he agreed because of the manpower issue and distance. The Council recommended that the school call the District as they may have one to loan them for their event.

The regular City Council meeting adjourned at 6:39 p.m. by Mayor pro tempore Davis pursuant to the motion by Councilmember McEvoy.

APPROVED

ATTEST

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Rick Davis, Mayor pro tempore

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Laurie Tryon, City Recorder