

Present:

Mayor Joe L. Piccolo	Gary Sonntag, Public Works Director
Councilmembers:	Aleck Shilaos, Police Chief
Rick Davis	John Daniels, Human Resource Director
Richard Tatton	Laurie Tryon, City Recorder
Kathy Hanna-Smith	Nick Tatton, Community Director
Jeanne McEvoy	Nick Sampinos, City Attorney
	Bret Cammans, Customer Service Director

Excused Absence: Pat Larsen, Finance Director and Jeff Nielson, Councilmember

Others Present: Shane Baggs, Scott Olsen, David Cox, Barry Horsley, Colin McRann, Jared Anderson, Wilma Howa, Julie and Rick Roberts

Mayor Piccolo led the Pledge of Allegiance. Roll was called with the above Councilmembers and staff in attendance.

1. PUBLIC COMMENT-

MOTION. Councilmember McEvoy moved to have the public comment portion re-opened to allow Mr. Rick Roberts of R & J Recycling a chance to address the Council as he missed the opening request for public comment. Motion seconded by Councilmember Hanna-Smith and carried. Mr. Roberts requested financial assistance from the City for his recycling business that he currently runs out of his home in Carbon County. Mr. Roberts stated that he has a local and state business licenses and does not charge for the pick up of items from customers. He stated that his business is growing and he needs financial assistance and employees to continue with the growth. He stated that he had already met with Delynn Fielding, Economic Development Director for funding and needs the City's help as part of the request. Mayor Piccolo thanked Mr. Roberts for his interest in recycling and stated that at this time there is no a budget established for recycling but that the City is working with the local Green Team on creating recycling programs. The Mayor asked Mr. Roberts set up a time to meet with him for guidance on how to proceed with funding programs that are available.

2. COUNCILMEMBERS REPORT- The Mayor and Councilmembers presented an update on the activities and functions in which they have participated.

Councilmember Hanna-Smith requested approval from the City Council regarding an application for a the Healthy Community Awards Legacy Award. The Council agreed to have Price City apply for the award.

3. UTILITY POLE ATTACHMENT AGREEMENT- Barry Horsley

Barry Horsley of Carbon County requested permission from Price City to place fiber optic infrastructure on Price City utility poles, beginning at the Public Works Building and extending across the highway outside of city limits to the Carbon County Events Center, Public Safety Dispatch Office, the proposed Senior Center and the proposed Children's Justice Center, to improve communication with all of proposed entities. He stated that he would also like to use the City's dark fiber optic lines that are not being used at this time and to run fiber optic infrastructure a new utility pole for the Carbon County Sheriff's Office and the new Sheriff Intake Building to improve communication at those sites as well. He stated that he has spoken to Ken Harney, of the Price City Electrical Department about using the existing utility pole now the Sheriff Intake Building and concluded that a new pole is needed which the County would finance. The Mayor and Council agreed with the need for new infrastructure and requested a fully detailed agreement be brought back to the City for further consideration. Mr. Horsley stated that he would return to the August 12, 2009 City Council meeting for final approval of an inter-local agreement between the City and the County. **MOTION.** Councilmember Tatton moved to move to support the requests and for Mr. Horsley to return to Council with a detailed agreement for final approval. Motion seconded by Councilmember Hanna-Smith and carried. Mr. Horsley stated he will coordinate with the County for approval from the Carbon County Commission.

4. IPTV/CABLE TELEVISION FRANCHISE- Carbon Emery Telcom Representatives

Jared Anderson from Carbon Emery Telcom requested that the Mayor and City Council review the most recent draft of the franchise agreement prepared by legal counsel for Price City and Carbon

Emery Telcom. He stated that because Price City did not agree with a fifteen year term, three alternatives have been suggested by Emery Telcom for the City's consideration. Nick Sampinos, City Attorney requested a copy of the last Pole Attachment Agreement which Mr. Anderson stated that the company is trying to locate. Mr. Sampinos stated that the Mayor and Council have not had enough time to review the suggested options and changes to the agreement. Mr. Anderson stated that a five year term, is problematic when they are spending millions of dollars to prepare for the future. That is why alternatives have been suggested for the City to consider. He stated that the three suggested alternatives are 1) a 15 year contract; 2) a 5 year contract with two additional five year renewals; and 3) a ten year contract. **MOTION.** Councilmember Tatton moved to forward the proposed contract to the August 12, 2009 City Council meeting for final consideration to allow the City more review time. Motion seconded by Councilmember McEvoy and carried.

5. **TREE TRIMMING- Update and Review by Councilmember Hanna-Smith**
Councilmember Hanna-Smith requested clarification from the Mayor, Council and staff regarding tree trimming procedures in the City. She stated that when trees in City limits are trimmed by City employees they are not being done properly and citizens are not being notified that trees on their property are going to be trimmed. She stated that citizens should have the option of having the City trim their trees to remove obstructions or finding their own professional tree trimming contractors. She suggested providing citizens with advance notice door hangers advising them of the upcoming tree trimming so that they are aware and have time to plan before the trees are cut. Scott Olsen, Price City Street Supervisor stated that the street department staff trims trees to remove for obstructions only for safety reasons. He stated that branches can become overgrown and can obstruct lights or signs and for the safety of the City's citizens, offending branches are cut. He quoted Price City Ordinance 2.68.170 regarding the City's role in removing tree branches and stated that based on that ordinance, he is doing his job to keep the citizens safe and that the citizens should also be aware of the trees on their property to make sure that they are not overgrown and not impeding safety. The City Attorney agreed that Mr. Olsen must do his very best to react and take action immediately on any issue that involves the safety of our citizens. Bret Cammans, Customer Service Director stated that the City uses independent tree trimming contractors that trim the trees near electrical power lines and that if they had to stop each time before cutting or trimming a tree to notify owners, it would slow their work down. He stated that the trees are trimmed in a V shape in the middle on purpose so that the trees will not have to be trimmed so frequently. Councilmember McEvoy stated that sometimes these issues arise because the wrong types of trees are planted near street signs or under power lines which can cause problems as the trees become overgrown. Different options were discussed on how to educate the citizens using notification door hangers, articles in the local newspaper and on utility bills explaining the City ordinance, proper tree trimming, citizens roles regarding the maintenance of trees on private property and providing more training to the City employees who are trimming trees. The Mayor and Council agreed that welfare, safety and health of the citizens should be considered first when updating the tree trimming education program that is being considered. The Mayor and several staff members commended the employees for all of their hard work as the City receives more positive feedback than negative and thanked them for a job well done. Mayor Piccolo stated that funding for the tree trimming training needs to be budgeted and requested that Scott Olsen prepare a list of those costs and return them to the Council for discussion. Mayor Piccolo stated that he had received a letter from a resident regarding an incident of tree trimming and he would like to send a response regarding the proposed modifications to the program. **MOTION.** Councilmember Hanna-Smith moved to approve the training for employees, the citizen education program, to provide education on the website, in the newspaper and on utility bills, to research funds for the training and for the Mayor to forward a response to a citizen's letter with an explanation of the ordinance and the proposed employee training. Motion seconded by Councilmember Davis and carried.
6. **AUDITORIUM ASSESSMENT- Councilmember Hanna-Smith**
Councilmember Hanna-Smith suggested that an assessment be done on the Price City Auditorium as it is in need of repairs and updates, including: new carpet, new drapes and dressing room curtains, orchestra section repair, plaster repair and painting, sound and lighting improvements and the stage needs to be cleaned. She suggested having the cleaning contractors do a deep cleaning of the auditorium. Bret Cammans stated that \$30,000 had been set aside during last year's budget for an assessment on the auditorium but that the money had to be used for the heating and air conditioning of City Hall. He stated that the project will be given to the Building Maintenance Supervisor, Tamara Gray for instruction on how to proceed. John Daniels stated that the Fire Chief and Building Inspector should both be involved in the assessment process. The Council agreed that the auditorium needs frequent maintenance so that it doesn't fall further behind and suggested that rental fees collected be

used for improvements. **MOTION.** Councilmember Tatton moved to have the item placed on unfinished business. Motion seconded by Councilmember Hanna-Smith and carried.

PLANNING AND ZONING COMMISSION

7. Conditional Use Permit- Nick Tatton reported that the Planning and Zoning Commission gave the following recommendations on applications for Conditional Use Permits:
 - a. My Girls Fitness Center-86 E. 100 S.- Tammy Adams, Owner- Business and Sign-Concept only- City Council provided final approval as information requested on parking was sufficient to the Planning and Zoning requests.
MOTION. Councilmember Hanna-Smith moved to provide final approve My Girls Fitness Center after assessing the parking information returned by the owner, Tammy Adams and City staff. Motion seconded by Councilmember McEvoy and carried.
 - b. Ty's Table Restaurant- 715 E. Main- Tony Basso, Owner- Strike
 - c. Temporary Extension of Gopher Blvd- September 1, 2009 for Opening of JB's Restaurant-approved
MOTION. Councilmember Hanna-Smith moved to approve item 7c. Motion seconded by Councilmember McEvoy and carried.

CONSENT AGENDA Councilmember Hanna-Smith moved to approve items 8 through 20 with items 21, 22 and 23 removed for discussion. Motion seconded by Councilmember Davis and carried.

8. MINUTES
 - a. Minutes of July 8, 2009 City Council Meeting
 - b. Minutes of July 15, 2009- Special City Council Meeting
9. ORDINANCE 2009-004-Authorization to Adopt Ordinance 2009-004 Establishing a Policy and Procedure for the Approval of Written Minutes for Public Meetings of the Price City Council and Other Public Bodies of Price City
10. STREET CLOSURE-Authorization for a Street Closure to Accommodate Oktoberfest 2009 to be held on September 25-26, 2009
11. HOMESTEAD BLVD. LOOP- Authorization for Final Payment of \$19,720.53 to the Utah Department of Transportation
12. HOMESTEAD BLVD.LOOP- Sunrise Engineering-Additional Work That Was Not in the Scope of Earlier Work will be Done to Improvement Drainage and Place a Seal Coat on the Road. Design and Construction Engineering Work is Estimated at \$20,680; CIB Funding
13. CONCRETE CUTTING- Precision Concrete Cutting- Change Order to Continue Concrete Cutting Asked for same approval as #16- must go out to bid as well. Use at same rate to complete cutting within new budget fiscal year. Waive bid requirement because of specialized service. Sole source provider.
14. CULINARY WATER SYSTEM IMPROVEMENT- Jones and Demille Engineering Addendum #04-09 Design and Construction Engineering Services for Culinary Water System Improvement Working with the State Division of Drinking Water
15. SEWER REHABILITATION- Jones and Demille Engineering Addendum #03-09 Construction Engineering Services for Sewer Rehabilitation Working with the State Division of Water Quality
16. OLD WATER TANK- EIS Environmental Services-Old Water Tank Exterior Lead Mitigation
17. PRICE CITY/CEU SCHOLARSHIP- Recommended Decline of a Scholarship Request Finding Applicant Residence is Outside of Price City and the Applicant is not Eligible
18. SWIMMING POOL- Authorization to Bid, have a Public Bid Opening and Choose a Contractor for the Re-Roof Project of the Price City Swimming Pool
19. PUBLIC WORKS COMPLEX- Authorization to Bid, have a Public Bid Opening and Choose a Contractor to Replace the Furnaces at the Public Works Complex

21. BUSINESS LICENSES- Authorization to Approve a Business License for Ty's Table Restaurant, LLC at 715 E. Main, CAS Inc. at 140 Cedar Hills Drive and Mainstreet Markdown at 8 E. Main Gary Sonntag stated his concern regarding approval of a business license to Ty's Table Restaurant without approval of a Conditional Use Permit (CUP) from Planning and Zoning. He stated that the CUP would require that the new owners install a grease trap, sampling manhole and new lateral on 700 East and he did not want the business to open without those improvements in place. Wilma Howa, representative for Ty's Table Restaurant stated that those items are being addressed at this time and that those items are not a problem for the owner. Nick Tatton stated that a business license is not land related and occupancy will not take place until they complete the CUP requirements before opening. Nick Sampinos stated that if the requirements are not met, the business license could be revoked for non-compliance but that the City has received personal communication from the owner that the improvements would be completed. **MOTION**. Councilmember Tatton moved to approve the business licenses for item #21. Motion seconded by Councilmember Hanna-Smith and carried.
22. SEWER CLEANING- TWIN D ENVIRONMENTAL SERVICES- Change Order to Continue Sewer Cleaning-Change Order #1, Payment #3-Final Gary Sonntag stated that he initiated a change order extension of the current contract of last fiscal year, phase 2 of the operation to clean City sewer lines. He would like to utilize bid pricing received during the last fiscal year and continue using Twin D Environmental Services for sewer line cleaning during the current fiscal year. They have agreed to do so if the Council allows an addition of 2 cents per linear foot as a cost of living increase. He stated that the proposed change order to a \$1400.00 difference which would still lower than the second low bid. The Council discussed the possibility of using the same contractor during the fiscal year. Nick Sampinos stated that because proposed additional work is new work and exceeds the original contract, the project should be advertised so that all interested contractors have an opportunity to place a bid. **MOTION**. Councilmember Davis moved to approve final payment for last year's work in the amount of \$19,852.65 to Twin D Environmental Services. Motion seconded by Councilmember Hanna-Smith and carried. **MOTION**. Councilmember Davis moved to deny the requested change order and to authorize the project to be advertised for bids. Motion seconded by Councilmember Tatton and carried.
23. COLLEGE OF EASTERN UTAH- Authorization to Set a Public Hearing for August 12, 2009 at the Regular City Council Meeting to Receive Input on a Donation to the College of Eastern Utah's Automotive Department Councilmember Hanna-Smith indicated that she was under the impression that Stan Martineau of CEU's Automotive Department would be responsible for payment of the movie and the rental of climbing wall for his training activity with which Price City Councilmembers and staff assisted in June of 2009. Mayor Piccolo stated that this item required more information to make a decision. **MOTION**. Councilmember McEvoy moved to set a public hearing for August 12, 2009 to receive input on a possible donation to CEU's Automotive Department. Motion seconded by Councilmember Hanna-Smith and carried.
24. PRWID- Councilmember Tatton reported on the results of the last PRWID Board meeting.
25. COMMUNITY PROGRESS- Update by Councilmember Hanna-Smith
 - Flags are around City- look great
26. INTERNATIONAL DAYS- Update by Councilmember McEvoy
 - Next Meeting- August 18, 2009 12 p.m.
 - Parade and all events are scheduled and ready to go
27. UNFINISHED BUSINESS
 - a. Curb, Gutter and Sidewalk Improvements on 2nd South
 - b. Basso Dino-Mine Playground
 - c. Demand Side Management Program
 - d. New Library Project
 - e. Babe Ruth Field
 - f. Siemens Energy Audit Payment
 - g. Recycling- Aug. 11 2 p.m.
 - h. Ditch/Canal 4th-5th South Rose Ave.

City Council meeting adjourned at 7:54 p.m. by Mayor Piccolo pursuant to the motion by Councilmember McEvoy.

APPROVED

ATTEST

Joe L. Piccolo, Mayor

Laurie Tryon, City Recorder