

Minutes of The Price City Council Meeting
City Hall: Price, Utah
September 26, 2001, 5:30 p.m.

Present:

Mayor Lou Colosimo

Councilmembers:

Roy A. Nikas
Betty P. Wheeler
Joe L. Piccolo
Stephen L. Denison
Richard Tatton

Joanne Lessar, City Recorder
Pat Larsen, Finance Director
Nick Sampinos, City Attorney
Gary Sonntag, PWD/City Engineer
Aleck Shilaos, Chief of Police

Excused: Keith Wight, Human Resource Director

Others Present:

Trent Hughes	Ben Kilbourne	Pete Kilbourne	Cheryl Ek
T. J. Polster	Ray Richens	Mark Shurtleff	Ric Cantrell
John Serfustini			

Mayor Colosimo led the Pledge of Allegiance. Roll was called with the above members in attendance.

1. BICYCLE PARK - Proposal Discussed

Pete Kilbourne, representing the kids who presented the bicycle park proposal at the last meeting, asked if City staff had made a decision. Councilmember Tatton reported that a committee was formed at the last meeting under the Chairmanship of Gary Sonntag. The committee will meet and go over the proposal and make a recommendation to the Council. They will contact Mr. Kilbourne and let him know what is going on.

2. MINUTES - September 12, 2001

The following addition was made to the minutes of September 12, 2001:
Item #5 - Add the names of Councilmembers Tatton and Nikas as committee members.

MOTION. Councilmember Piccolo moved that upon the above addition, that the minutes be approved. Motion seconded by Councilmember Denison and carried.

3. MARK SHURTLEFF, UTAH ATTORNEY GENERAL - Internet Safety

Police Chief Aleck Shilaos introduced Mark Shurtleff, Utah Attorney General. Mr. Shurtleff reported that the State has formed the Utah Internet Crimes Against Children Task Force (ICAC). They have been touring the state and conducting workshops with law enforcement officers, school officials, media representatives, community leaders, parents and students. Today they toured various schools in the Carbon County community and spoke to 5th, 6th, and 7th graders on crimes committed against children on the internet. Their purpose is to teach kids that there are predators on the internet. A recent survey discovered one out of 5 teenagers has received an unwanted request on the internet. The Council thanked Mr. Shurtleff for his information.

4. RAY RICHENS - Request To Purchase Property - Tabled - Committee Formed

Ray Richens requested that the Council consider selling him a small portion of property (75' x 40') adjacent to his property located at 867 North 600 East. The lot has been described as excess property and unsalable because of the easement maintaining the flood ditch. In October, 1996, he purchased a

similar portion (75' x 35') in the same area. The Council discussed the request and the need to maintain the easement for the drainage ditch. Before a decision is reached, it was recommended that a committee be appointed to review this to determine what alternative options there may be for drainage and if this property can be split between the other adjacent property owners or if it can be used for a building lot. **MOTION.** Councilmember Denison moved that a committee, comprised of himself, Councilmember Nikas, Gary Sonntag, and Nick Sampinos, be appointed to review the request and report back to the Council. Motion seconded by Councilmember Piccolo and carried.

September 26, 2001

5. UNITED WAY SKATE FOR LIFE - Permission To Use Skate Park

T. J. Polster, representing the United Way, requested permission to use the skate park for the United Way Skate For Life fund raiser. Funds from this event will go towards the Literacy Project. They plan to hold the tournament on Saturday, October 20th, from 8:00 a.m. to 5:00 p.m. There will be door prizes and live music by a DJ. They cleaned up the skate park approximately three weeks ago and will clean it up after the tournament. Carbon Recreation will allow them to use their liability insurance in case of an accident. Later that night, they will join the College of Eastern Utah Sun Center and sponsor a dance to be held at the CEU Student Center. Funds from the dance will be donated to the disaster relief fund for the September 11, 2001 tragedy. **MOTION.** Councilmember Tatton moved that United Way be allowed to use the skate park as requested above. Motion seconded by Councilmember Piccolo and carried.

6. LIONS CLUB - Rental Fees Waived For Washington Park Pavilion

MOTION. Councilmember Nikas moved that with the exception of hard costs, that the verbal approval given to waive rental fees for use of the Washington Park pavilion by the Lions Club be ratified. Motion seconded by Councilmember Tatton and carried.

7. FAMILY CHILDREN'S JUSTICE CENTER HARVEST BALL - Local Consent For Temporary Liquor Permit

MOTION. Councilmember Nikas moved that verbal approval given to the Family Children's Justice Center for a temporary liquor permit to sponsor their Harvest Ball on Saturday, October 27, 2001, be ratified. Motion seconded by Councilmember Wheeler and carried.

8. CARBON COUNTY HUMANE SOCIETY - Rental Fees Waived For Civic Auditorium

MOTION. Councilmember Wheeler moved that with the exception of hard costs, that rental fees be waived for use of the Civic Auditorium by the Carbon County Humane Society for the purpose of sponsoring a ballet performance as a fund raising event. Motion seconded by Councilmember Tatton and carried.

9. PINNACLE CANYON ACADEMY - Rental Fees Waived For Civic Auditorium

MOTION. Councilmember Wheeler moved that with the exception of hard costs, that rental fees be waived for use of the Civic Auditorium on Friday and Saturday, October 26 and 27, 2001, by the Pinnacle Canyon Academy to conduct the Governor's Music and Education Program for the 2002 Olympics entitled "Light The Dream Within". Motion seconded by Councilmember Tatton and carried.

10. YOUTH CITY COUNCIL SWEARING IN - Tabled

MOTION. Councilmember Wheeler moved that since the Youth City Council was not present, that the swearing in be tabled. Motion seconded by Councilmember Piccolo and carried.

11. COMMUNITY GARDENS - Permission To Contact Property Owners

Councilmember Denison presented an aerial photograph of an area in the vicinity of 700 North and 7th East for the possibility of constructing a community garden. The two property owners involved are the school district and an LDS Church. He requested permission to contact these entities about the possibility of the City taking over the property and utilizing it as a community garden. **MOTION.** Councilmember Denison moved that the request be granted. Motion seconded by Councilmember Piccolo and carried.

12. HOLLBROOK COUNSELING SERVICES - Home Occupied Business Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to Terry Holbrook to operate a counseling service from his home located at 1011 Covecrest, contingent upon customer parking being limited to the lot frontage and driveway. **MOTION.** Councilmember Piccolo moved that the business be approved per the above contingency and upon the purchase of a business license. Motion seconded by

September 26, 2001

Councilmember Denison and carried.

13. KEY BANK - Conditional Use Permit Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to the request of Key Bank, 690 East Main, to change a monument sign to a pole mounted sign. **MOTION.** Councilmember Piccolo moved that the request be approved and that a Conditional Use Permit be approved. Motion seconded by Councilmember Wheeler and carried.

14. FOUR CORNERS MENTAL HEALTH - Preliminary and Final Approval, Conditional Use Permit

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation for preliminary and final approval to Four Corners Mental Health to construct a club house and casement management building at 77 South 600 East per the following contingencies; sight obscuring fence, Development Improvement Agreement, drainage easement from their property to 1st South, and letter of approval from PRWID. **MOTION.** Councilmember Piccolo moved that preliminary and final approval be given per the above contingencies and that a Conditional Use Permit be issued. Motion seconded by Councilmember Denison and carried.

15. SHANE HENRIE, FRANK PERO (CARBON COUNTY) DRUG TASK FORCE - Travel Approved

Mayor Colosimo presented the following travel request:

Shane Henrie, Frank Pero (Carbon County) Drug Task Force - Utah Narcotics Association, October 1-5, St. George, Utah

MOTION. Councilmember Piccolo moved that the travel be approved. Motion seconded by Councilmember Denison and carried.

16. GARY SONNTAG, JERRY WRIGHT - Travel Approved

Mayor Colosimo presented the following travel requests:

Gary Sonntag - Utah Floodplain Management Association, October 18, 19, Moab, Utah
Jerry Wright - 2001 Water Planning Conference, ULCT, October 10-12, Springdale, Utah

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

17. CHRISTINE WOOD, JOHN SERFUSTINI, LEA COTTER - Appointment As Library Boardmembers

Mayor Colosimo recommended that Christine Wood, John Serfustini and Lea Cotter be appointed as Library Boardmembers. **MOTION.** Councilmember Wheeler moved that the recommendation be approved. Motion seconded by Councilmember Tatton and carried.

18. PURCHASE OF INFARED HEATING SYSTEM - Permission To Prepare Specifications and Advertise To Receive Bids

MOTION. Councilmember Denison moved that permission be given to the Fire Department to prepare specifications and advertise to receive bids for an infared heating system. Motion seconded by Councilmember Piccolo and carried.

19. COMMUNITY DEVELOPMENT BLOCK GRANT 2002-2003 - Application and Public Hearing

Gary Sonntag reported that the City has received an invitation to apply for a Community Development Block Grant for the Year 2002-2003. He requested permission to make an application for this grant and to schedule a public hearing to receive comments from the public on potential projects. **MOTION.** Councilmember Denison moved that the request be granted and that a public hearing be held Wednesday, October 24, 2001. Motion seconded by
September 26, 2001

Councilmember Nikas and carried.

20. JUDGES OF ELECTION - Approved

Joanne Lessar presented the following list of Judges of Election for the Primary and General Elections scheduled for October 2 and November 6 respectively and requested that they be approved.

East Price #17 - Dorothy Young, Sally Thompson, Janet Warren
Mary Christensen, Alternate Judge

South Price, #18 - LaRue Bate, Clyta Richens, Velora Anderson
Cindy Marshall, Alternate Judge

Castle Heights North #30 - Lynnette Potts, Korreen Horrocks, Laurie Nelson
Tami Campbell, Alternate Judge

Central Price #31 - Nola Vogrinec, Lola Stuart, Nina Hunt
Carol Roundy, Alternate Judge

Northeast Price #32 - Ruth Burgess, Pat Marinoni, Lois Lundberg
Gloria T. Patterson, Alternate Judge

North Price #33 - Florence Sealey, Rose Denison, JoAnn Kissell
Sharon Juliano, Alternate Judge

Castle Heights #34 - Barbara G. Savage, Dana Dimick, Jayline Gardner
Joanne Bean, Alternate Judge

MOTION. Councilmember Piccolo moved that the Judges of Election be approved. Motion seconded by Councilmember Wheeler and carried.

21. PAYMENT FOR JUDGES OF ELECTION - Approved

Joanne Lessar recommended that the Judges of Election for the Primary and General Elections be paid \$60.00/day. **MOTION.** Councilmember Piccolo moved that the recommendation be approved. Motion seconded by Councilmember Wheeler and carried.

22. PRICE RIVER WATER IMPROVEMENT DISTRICT - Sewer Line Billing Issue (Market Express/Car Wash) - Committee Recommendation Approved

Councilmember Denison reported that the committee assigned to review the sewer line billing issue on the Market Express/Car Wash facility met again and recommended that the fees be split. The total bill was \$14,700. The amount owed to Price River Water Improvement District was \$10,800. The committee recommended that the City waive their portion of the difference between the \$10,800 and \$14,700., as it was a billing error on the part of the City in not getting it entered as an active account on the computer system. In addition, that we offset part of what goes to PRWID in the amount of \$3,100. Market Express (Kiahtipes's) would then pay \$6,800 and PRWID would absorb the difference. This same recommendation will go before the Price River Water Improvement District Board. **MOTION.** Councilmember Denison moved that the above recommendation be approved. Motion seconded by Councilmember Tatton and carried.

23. WATER TRANSMISSION LINE - Update

Councilmember Denison reported that he and City staff had met with Hansen, Allen and Luce to review the preliminary engineering for the Water Transmission Line. It is progressing very well. There were a few concerns regarding the interconnections with PRWID as well as how to serve the outside water users. Staff will review these concerns with PRWID. A bid opening has been planned for December 19th, 2001, and if possible, as early as December 12th.

September 26, 2001

24. PRICE/WELLINGTON CONTROL BOARD - Update

Councilmember Nikas reported that he was informed late this afternoon that the Price/Wellington Control Board did not get funded in the current cycle for the canal and laterals. The request reflected approximately a \$28/ton savings. Numerous projects were funded which used the entire funds at \$26/ton. A second request or a new proposal will be resubmitted for the next funding cycle.

25. DAUGHTERS OF UTAH PIONEERS - Pioneer Park Cabin

Nick Sampinos reported that he has prepared a proposed agreement between the City and the Daughters of Utah Pioneers concerning the Pioneer Park cabin located at Pioneer Park. He has forwarded the agreement and is waiting for a reply.

26. WIX PLAZA - Update

Nick Sampinos reported that Richard Morley contacted him and would like to revisit the issue of leasing the City-owned parking spaces adjacent to Wix Plaza. Nick stated that he will either meet with Mr. Morley or send him a letter outlining the Council's discussion and previous findings and show him the deed depicting the easement. Mr. Morley seems to be confused on the 10' easement that was allowed him, Price City, and the Methodist Church.

27. ORDINANCE #2001-011 - Rezoning of Northeast Price From SF6 To NC

Nick Sampinos presented Ordinance #2001-011, an ordinance amending a portion of the 1997 Land Development Code, as adopted by Price City, Utah, by Ordinance #96-007, or any amendments thereto, by changing a Single Family (SF-6) Zone to Neighborhood Commercial (NC) Zone within the corporate limits of Price City and providing for the effective date thereof. This rezoning is located east of the intersection of 8th North and Cedar Hills Drive in Northeast Price. **MOTION.** Councilmember Piccolo moved that Ordinance #2001-011 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 Nikas and carried.

28. GARY CHRISTENSEN - 505 East 500 South, Irrigation Ditch - Update

Gary Sonntag reported that he made two attempts and been unable to contact Gary Christensen regarding the irrigation ditch issue at his property located at 505 East 500 South. He will continue trying to contact him.

29. EMIL SIMONE - 359 East 2nd North, Drainage

Gary Sonntag reported that he has reviewed the drainage issue at the Emil Simone residence located at 359 East 2nd North. Sometime in the past, there was a drainage area on Mr. Simone's north fence line that would catch water coming from the north and deliver it towards 300 East. Through time, that waterway has been filled in and is no longer there. There is no place for this water to go. There is an irrigation ditch on Mr. Simone's property where he takes water from 400 East and uses that water and any excess goes through his property to 200 North. Mr. Simone has experienced continual flooding that comes from the north down an alley which is a dead end street. Mr. Simone is in the process of building a concrete retaining wall that will dam the water. The water will come down the street, hit the retaining wall and pond into a lake. The water can be drained, but it will be necessary to go through private property and develop a drainage system to handle the water. It was recommended that perhaps a pipe could be placed in the ground and divert the water to the existing irrigation ditch. Mr. Sonntag stated that he will look into this possibility.

30. VERN JONES - Retirement, Temporary Assignments

Mayor Colosimo reported that Vern Jones, Community Administrator, is retiring effective October 1, 2001. He recommended that Councilmember Denison be asked to handle Vern's duties until a decision is made to replace the position. The Council discussed how this should be handled, such as payment, etc. It was recommended that each Councilmember step in and help in their respective departments. The Council directed Mayor Colosimo to contract as he sees

September 26, 2001

necessary to fill that position over the next 90 days.

31. EXECUTIVE SESSION - Internal Investigation

MOTION. Councilmember Tatton moved that the meeting adjourn and that an Executive Session convene for the purpose of discussing an internal investigation. Motion seconded by Councilmember Denison and carried.

Meeting adjourned at 7:02 p.m.

MOTION. Councilmember Tatton moved that the Executive Session adjourn and that the Council Meeting reconvene. Motion seconded by Councilmember Nikas and carried.

Executive Session adjourned at 7:08 p.m.

Council Meeting adjourned at 7:08 p.m.

APPROVED:

ATTEST:

Lou Colosimo, Mayor

Joanne Lessar, City Recorder