

Minutes of The Price City Council Meeting

City Hall: Price, Utah

October 28, 1998, 5:30 p.m.

Present:

Mayor Lou Colosimo

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

Staff: Joanne Lessar (City Recorder), Pat Larsen (Finance Director), Nick Sampinos (City Attorney), Vernon W. Jones, (Adminis. Ass't.), Aleck Shilaos (Chief of Police) Jerry Wright (Engineer Assistant), Keith Wight (Human Resource Director), Francis Duzenack (Building Official).

Excused: Councilmember Stephen L. Denison

Others Present: Paul Martinez, Ann O'Brien, Randy Vigil, Norma Procarione, Robert Pott, Jr. Cami Hanson, Marianne Hanson Tom Alexander, Grace Johnson, Jan Johnson, Gavin Johnson, Angelo Konakis, Katsumi Davis, Ross Davis

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

1. MINUTES - September 9, 1998

MOTION. Councilmember Wheeler moved that the minutes of the September 9, 1998 meeting be approved as written. Motion seconded by Councilmember Nikas and carried.

2. MINUTES - September 23, 1998

MOTION. Councilmember Bringhurst moved that the minutes of the September 23, 1998 meeting be approved as written. Motion seconded by Councilmember Nikas and carried.

3. MINUTES - October 14, 1998 - Struck

4. ANN O'BRIEN - Pedestrian Lanes

Ann O'Brien discussed the status of painting lines for pedestrian lanes at crosswalks. Those at the intersections and stop signs are okay. However, the lines at other areas, such as between the Post Office and the Greek Streak on Carbon Avenue and on 1st East by Mom's Kitchen, are worn and not visible. Vern Jones reported that he talked to the Utah Department of Transportation regarding the crosswalk on Carbon Avenue and they indicated their paint crews will be in town next week and he will schedule this to be done. Councilmember Nikas stated that the City's contractor is scheduled to be back in town next Monday and he will call this to their attention.

5. DR. PAUL MARTINEZ - Building Permits

Dr. Paul Martinez discussed his plans to donate the basement of his dental building located at 95 South 100 East for a karate studio. He has made some improvements on the building, but unfortunately, did not go through the right procedures. He is at fault for not doing it correctly. He asked if the Council could help in any way to rectify his problem. He would like the Council to draft a letter of support to the Planning and Zoning Commission for this karate studio. He will work with the Planning and Zoning and the Building Inspector to try to make this facility acceptable and at no risk or low risk to the students involved. He is only allowed to make a \$1,000 worth of improvements without hiring a contractor to do the same. It is very hard to get a contractor to come in and make improvements this small. He asked if the Council could draft a letter to Senator Dmitrich or Representative King to research the law prohibiting commercial property owners from doing more than a \$1,000 worth of work. He feels this figure should be in the range of \$5,000 to \$10,000. Francis Duzenack stated that the \$1,000 limitation is a State law. An owner can maintain a building and work on any existing portion. But on any new work, State law requires that they hire contractors. It is something the State Legislature has to change. As far as the rest of the work that has been done on Mr. Martinez's building, he has researched everything to try and make this work. The building code will not allow that particular occupancy in that basement without a major amount of work being done on the building. Currently it has a variable ceiling and the building code will not recognize anything less than 7 feet. It is pretty much impossible to get a 7 foot ceiling in that basement. He has talked to the ICBO representatives who write the code and gone through it with their engineers. They indicate the only solution would be to raise the ceiling or lower the floor, which is very cost prohibitive. Francis suggested that the karate studio be located in some empty space on the upper level of the building. Dr. Martinez stated that parts of his basement is 6'11" or 6' 10 3/4". Councilmember Nikas stated that the code is set up specifically for safety. He cannot support something that could put children at risk. If something could be worked out that would be fine. Francis stated that the other issues, the fire sprinkling system, the lighting, exiting, etc., could be handled. The big stumbling block is the ceiling issue. Its unfortunate that this couldn't have been caught sooner before Dr. Martinez put all the improvements in. Dr. Martinez did not contact him prior to these improvements being made. Councilmember Piccolo asked if requiring less occupancy would help in any way? Francis stated that the City would have no way of controlling this. Councilmember Piccolo then asked if reducing the amount of space needed would help any way, such as building a wall in the middle of the room. He questioned the small of amount of space needed, such as a half inch or an inch. Francis stated that he does not have the authority to approve anything that does not meet the code whether its by an inch or a quarter of an inch. Francis stated that by the time a one hour fire protection sheetrock of 5/8" is added, it will further reduce the clearance. Mayor Colosimo sympathized with Dr. Martinez and stated there is nothing the Council can do to help him. He appreciates what Dr. Martinez is trying to provide for the kids and he also appreciates Francis for his job in trying to keep Price City out of problems.

6. COBB JOHNSON - Request Letter For Spouse Insurance Coverage - Tabled

Joanne Lessar reported that Cobb Johnson has asked that the City issue a letter stating that his wife Bonnie will be able to be insured through the City under the Medicare Supplement plan when she turns 65. As Cobb is retired, his wife is unable to be insured through the City's insurance program under the COBRA ruling as she is presently covered under another insurance.

MOTION. Councilmember Piccolo moved that Keith Wight be directed to research this and report back to the Council. Motion seconded by Councilmember Wheeler and carried.

7. KRPX RADIO STATION - Proposal For Education Program For Sales Tax Increase

MOTION. Councilmember Piccolo moved that authorization be given to contract with KRPX for an amount of \$300 for a one week education program for the sales tax increase. Motion seconded by Councilmember Bringham and carried.

8. SMART UTAH - Open House Scheduled

Norma Procarione, Librarian, reported that Smart Utah, a non-profit organization located in Salt Lake will present an expo at the College of Eastern Utah on November 19th. Their major purpose is to supply the public with internet services. In order to help Price City accomplish this, they have donated one computer work station to the Price City Library. An open house has been scheduled at the library on November 20th, at which time the computer will be presented to the library. She requested permission to provide finger foods for the open house, which she estimates will cost approximately \$575. She also requested permission to place a banner advertising this in the front of the library building.

MOTION. Councilmember Wheeler moved that the requests be granted and that the library accept the donation of the computer work station. Motion seconded by Councilmember Bringhurst and carried.

9. FRONT END WHEEL LOADER - Report and Bid Award

Councilmember Nikas reported that the committee assigned to review the bids received on the Wheel Loader has awarded the contract to Scott Machinery for a John Deere TC 54H Loader for \$112,585.00. The tires will be changed from bias ply (per spec) to radial tires for an additional cost of \$969.00. This equipment met all of the required specifications and best suited the City's needs.

10. PINNACLE GATE STATION - Conditional Use Permit

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to the request of Pinnacle Gate Station for additional signs and to place a storage trailer on the property. The trailer is 8' X 40'. The trailer was approved and it was determined that a pole sign on the corner could be used for sign purposes as long as it did not exceed 200 square feet. A second additional restaurant sign will be placed on the Amoco pole which will be a 10 X 12, and a third sign, 6 X 8, will hang on the west side of the building similar to a fascia sign.

MOTION. Councilmember Piccolo moved that the requests be approved and that a Conditional Use Permit be issued. Further, that in no way can the trailer extrude onto the public right-of-way. Motion seconded by Councilmember Wheeler and carried.

11. MASONRY MASTERS, INC. - Storage Facility - Preliminary Approval

Councilmember Piccolo reported that the Planning and Zoning Commission gave preliminary approval to Masonry Masters, Inc., for a storage facility and placement of signs at 1350 East Airport Road. The owner presently has a little less than a 1/2 acre for this facility. The Commission discovered that in an industrial zone, there isn't a minimum acreage size for commercial development. The City requires a minimum lot size of 3/4 of an acre for commercial development. The Commission discussed this item and felt that something should be in place that would not allow industrial development to downsize lots for commercial use. This would take away from the valuation of City property that is already established. Pavement and street lights was also discussed. Due to the above items plus fencing, signs, and improvements to the curb, gutter and sidewalk, the Commission felt that there needed to be a more concrete plan and recommended preliminary approval only.

12. BOB POTTS, FRANCIS DUZENACK, BOB BENNETT - Travel Approved

Mayor Colosimo presented the following travel requests:

Bob Potts - Internet Information Services and Proxy Servers, November 30th - December 4th, Salt Lake

Francis Duzenack, Bob Bennett - Utah Association of Mechanical Officials Annual Conference, November 17-21, St. George

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

13. JANETTE BELNAP, LEZLIE ALLRED - Resignations

MOTION. Councilmember Wheeler moved that the resignations of Janette Belnap, Library Aid, and Lezlie Allred, Library Program Director, be accepted. Motion seconded by Councilmember Piccolo and carried.

14. LIBRARY PROGRAM DIRECTOR - Permission To Advertise

LIBRARY AID - Permission To Advertise - Tabled

MOTION. Councilmember Wheeler moved that permission be given to advertise for a Library Program Director and that the request to advertise for a Library Aid be tabled. Motion seconded by Councilmember Bringhurst and carried.

15. NETWORK SPECIALIST - Permission To Advertise

MOTION. Councilmember Piccolo moved that permission be given to advertise inhouse for a Network Specialist through the local paper as well as the Salt Lake Tribune. Motion seconded by Councilmember Nikas and carried.

16. RICHARD OLIVER - Volunteer Fireman

MOTION. Councilmember Nikas moved that Richard Oliver be appointed as a Volunteer Fireman effective November 1, 1998. Motion seconded by Councilmember Wheeler and carried.

17. RESOLUTION #98-26 - Establishing Job Descriptions For Network Specialist and Community Development Administrator

Keith Wight presented Resolution #98-26, establishing job descriptions for the Network Specialist and Community Development Administrator.

MOTION. Councilmember Piccolo moved that Resolution #98-26 be adopted and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Bringhurst and carried.

18. RESOLUTION #98-27 - Establishing A Policy For Eligibility and Consistent Administration of The Family and Medical Leave Act

Keith Wight presented Resolution #98-27, establishing a policy for eligibility and consistent administration of the Family and Medical Leave Act of 1993 including a certification of physician or practioner form, eligibility for leave, length of leave, benefits during leave, return from leave and reduced work schedule/intermittent leave.

MOTION. Councilmember Nikas moved that Resolution #98-27 be adopted and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Piccolo and carried.

19. RESOLUTION #98-28 - Establishing A Policy For Consistent and Effective Administration of The Americans With Disabilities Act

Keith Wight presented Resolution #98-28, establishing a policy for consistent and effective administration of the Americans With Disabilities Act 1992 (Title I of the ADA) defining qualified disabilities, reasonable accommodations and procedures under the Act.

MOTION. Councilmember Bringhurst moved that Resolution #98-28 be adopted and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Piccolo and carried.

20. RESOLUTION #98-29 - Amending Section D of The Policy and Procedures Disclaimer

Keith Wight presented Resolution #98-29, amending Section D of the Policy and Procedures Disclaimer.

MOTION. Councilmember Piccolo moved that Resolution #98-29 be adopted and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Bringhurst and carried.

21. RESOLUTION #98-30 - Amending Section 2-1 Equal Employment Opportunity Statement of The Price City Personnel Policies and Procedures Manual

Keith Wight presented Resolution #98-30, amending Section 2-1 Equal Employment Opportunity Statement of the Price City Personnel Policies and Procedures Manual.

MOTION. Councilmember Bringhurst moved that Resolution #98-30 be adopted and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Nikas and carried.

22. CLASS "C" ROAD IMPROVEMENTS AND BULK MATERIALS - Valley

Asphalt, Inc. - Change Order #1, Partial Payment #1

Jerry Wright presented change order #1 to the contract with Valley Asphalt, Inc., for the Class "C" Road Improvements and Bulk Materials. The change order was necessary to complete the road preparation and supply gravel on some of the new roads scheduled for pavement. The additional work for this to date totals \$4,979.40. In addition, the contract time needs to be increased by 21 calendar days to account for delays in waiting for road preparation by the City, additional work and bad weather. Valley Asphalt also submitted a request for a partial payment in the amount of \$18,274.06. With the ten (10%) retainage fee, the payment will be \$16,446.66.

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

23. PRICE RIVER DRIVE BUSINESS PARK A & B - Sewer Easement Right-of-Way - Tabled

Jerry Wright presented a sewer easement to Price II, L.C. and M13 Construction of Springville, Utah, developers of the Price River Drive Business Park. This is a private sewer line in the Price River Drive Circle which was included in the development of the business park. The sewer will be used solely by the business park. Gary Sonntag is recommending that the responsibility of the sewer remain private and that the City approve a right-of-way easement to the developers. The Council questioned this private sewer line versus another private sewer line of a similar nature.

MOTION. Due to the questions in this matter, Councilmember Piccolo moved that the item be tabled for further review. Motion seconded by Councilmember Bringhurst and carried.

24. RESOLUTION #98-31 - Lease/Purchase Agreement With First Security Bank (Purchase of Police Car)

Pat Larsen presented Resolution #98-31, establishing a lease/purchase agreement with first Security Bank for the purchase of a police car.

MOTION. Councilmember Piccolo moved that the purchase of the police car be approved, that Resolution #98-31 be adopted and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Bringhurst and carried.

25. LEASE/PURCHASE PROPOSALS FOR LOADER, STREET SWEEPER AND TRUCK - Permission To Receive Proposals

MOTION. Councilmember Bringhurst moved that permission be given to receive proposals for a lease/purchase agreement for a loader, street sweeper and truck. Motion seconded by Councilmember Nikas and carried.

26. CAPITAL IMPROVEMENT PROGRAM - Permission To Establish Procedures for Budgeting and Establishing An Evaluation Committee

Pat Larsen requested permission to establish procedures for budgeting and establishing an evaluation committee for capital expenditures. She presented the forms that will be used to begin this project.

MOTION. Councilmember Piccolo moved that the request be granted and that a committee be appointed consisting of Bob Potts, Gary Sonntag, Brian Allred and Vern Jones and anyone else who wants to be on it. Motion seconded by Councilmember Bringhurst and carried.

27. SUBSTATION TRANSFORMER - Contract Awarded.

Vern Jones reported that the committee assigned to review the bids received for the substation transformer is recommending that the contract be awarded to G.E. in the amount of \$307,500.

MOTION. Councilmember Nikas moved that the recommendation of the committee be approved. Motion seconded by Councilmember Piccolo and carried.

28. STREET LIGHT POLES AND STREET LIGHTS - Contract Awarded

Councilmember Nikas reported that the committee assigned to review the bids received for the purchase of street light poles and street lights awarded the contract to the low bidder, Stevens Sales Co., for an amount of \$9,385.

Meeting adjourned at 7:35 p.m.

APPROVED:

ATTEST: Lou Colosimo, Mayor

Joanne Lessar, City Recorder