

# Minutes of The Price City Council Meeting

## City Hall: Price, Utah

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November 10, 5:30 p.m.

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**Present:**

Mayor Lou Colosimo

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

**Staff:** Joanne Lessar (City Recorder), Pat Larsen (Finance Director), Nick Sampinos (City Attorney), Gary Sonntag (PWC Dir/City Eng), Vernon W. Jones, (Adminis. Ass't.), Aleck Shilaos (Chief of Police)

**Others Present:** Jacob Denison, Courtney Ivory, Todd Palmer, Bradlee Leonard, Thomas Garvin, Dustin Hurst, Dwight Gardner, Dianna Johnson, Jacob Mantz, Ryan Bowlden, Marshall Hurst, J. Gus Cayne, Debbie Kromple

Members of Boy Scout Troops #281 and #907 led the Pledge of Allegiance. Mayor Colosimo called the roll with the above members present.

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1. DEBBIE KROMPEL - Petition Regarding College of Eastern Utah Catering

Debbie Krompel, business owner, presented a petition signed by several other business owners regarding the catering being conducted by the College of Eastern Utah. The college currently solicits business which encompasses private weddings, receptions and banquets, along with private catering. The college collects no sales tax or restaurant tax and they pay no property taxes. The petition states that the college should not have a business license which enables them to compete against the private sector businesses that pay taxes and supports the entity. Nick Sampinos stated that you cannot refuse them a business license, but the business owners' point is well taken. Somehow the playing field needs to be leveled if there is going to be free market enterprise in the community and the college is going to be competing with private business owners who have to pay the sales tax. Councilmember Bringhurst stated that when the college provides meals to the students, it would be tax exempt. But if the college hosts outside entities, they should be charged sales tax. When he had his daughters wedding at CEU, he paid sales tax on the food he purchased. When outside groups or students come on campus and pay for dorm rooms, the college pays directly back into the transient room tax. If the college rents rooms to another entity through the college, there is no tax paid. The Council indicated that they will review this and report back to the business owners.

Brad King, representing CEU, was present at the end of the meeting. He feels there has been a misrepresentation. They have not done anything different since the college took over the food services. He talked to the Attorney General and found that they do not need a business license. Because the college center is an auxiliary, they must be a self-sustaining operation, which means they need to break even. They are not trying to undercut anyones prices. He understands people have complained because the college is catering their Christmas parties. However, the only ones scheduled for catering by the college at this time are the school district and the school board. WalMart called and asked if the college would cater their party, but when they found out the prices, they never called back. Another one is being catered by Sam Farliano and Terry Fry. They are renting the facility and providing their own food. Eighty percent of their catering is for campus functions. Mr. King stated he would provide the City with a rate schedule. He indicated that there is a form that requires the signature of the sponsoring stating that there are no other facilities available. The Council thanked Mr. King for his information.

2. MINUTES - October 14, 1998

**MOTION.** Councilmember Piccolo moved that the minutes of the October 14, 1998 meeting be approved as written. Motion seconded by Councilmember Wheeler and carried.

3. MINUTES - October 28, 1998 (Public Hearing), October 28, 1998 (Regular Meeting)

**MOTION.** Councilmember Nikas moved that the minutes of the Public Hearing on October 28, 1998 and the regular meeting on October 28, 1998 be approved as written. Motion seconded by Councilmember Bringhurst and carried.

4. OUTSIDE WATER CONNECTION - Tom Neiderhauser

Councilmember Denison reported that in July, 1997, the Council approved an outside water connection for Tom Neiderhauser for a new home located outside city limits. At that time, in lieu of a share of water, Mr. Neiderhauser paid \$1,500 to Price River Water Improvement District. This payment should have been made to the City.

**MOTION.** Councilmember Denison moved that the \$1,500 be accepted from Mr. Neiderhauser as the fee in lieu of a share of water for the connection. Motion seconded by Councilmember Piccolo and carried.

5. OUTSIDE WATER CONNECTION - William R. and Misty D. Skaggs - Tabled

Councilmember Denison reported that William R. and Misty D. Skaggs, has submitted a request for an outside water connection at 4323 North Spring Glen Road. There are some issues that are presently taking place that need to be resolved before this connection is granted. Mr. & Mrs. Skaggs are trying to purchase the ground to get the water through as they do not have an easement for it. He recommended that the item be tabled.

6. C & J CREATIONS - Conditional Use Permit - Tabled

7. DESERT DREAMS AND SILVER COYOTE, KING COAL THEATER - Conditional Use Permits Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to the following businesses for signs:

Desert Dreams and Silver Coyote - 60 West Main - Facia Sign

King Coal Theater - 1171 East Main - Sign

**MOTION.** Councilmember Piccolo moved that the signs be approved and that Conditional Use Permits be issued. Motion seconded by Councilmember Wheeler and carried.

8. COMMUNITY THEATER - Conditional Use Permit Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to the Community Theater to place six temporary a-frame signs in locations in and around the City.

**MOTION.** Councilmember Piccolo moved that the request be approved and that a Conditional Use Permit be issued. Motion seconded by Councilmember Wheeler and carried.

9. OMNI PRODUCTIONS - Conditional Use Permit Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to Omni Productions to operate their video production and local news at 150 South 700 East.

**MOTION.** Councilmember Piccolo moved that the business be approved upon payment of the business license fee and that a Conditional Use Permit be issued. Motion seconded by Councilmember Wheeler and carried.

10. JOY TECHNOLOGIES - Extension of Conditional Use Permit Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to Joy Technologies, 1556 East 100 South, for a 90 day extension to their temporary Conditional Use Permit for an office trailer.

**MOTION.** Councilmember Piccolo moved that the extension be approved. Motion seconded by Councilmember Wheeler and carried.

## 11. CARBON COUNTY SHERIFF - Conditional Use Permit Approved

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to the Carbon County Sheriff to construct security fencing at the jail located at 240 West Main.

**MOTION.** Councilmember Piccolo moved that the request be approved and that a Conditional Use Permit be issued. Motion seconded by Councilmember Wheeler and carried.

## 12. PLANNED UNIT DEVELOPMENT - Amendment

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to T. H. Poloni for an amendment to Phase I of the Planned Unit Development. The amendment doubles the size of the building lots and reduces the number of lots from 14 to 7.

**MOTION.** Councilmember Piccolo moved that the amendment be approved. Motion seconded by Councilmember Wheeler and carried.

## 13. CSK AUTO - Preliminary and Final Approval

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation for preliminary and final approval for the construction of CSK Auto at 1268 East Main, subject to the installation of a fire hydrant, correction of a drainage problem on the south end of the property and a development Improvement Agreement.

**MOTION.** Councilmember Piccolo moved that the preliminary and final approval be given per the above contingencies. Motion seconded by Councilmember Wheeler and carried.

## 14. CHRISTMAS GIFT CERTIFICATES - Approved

**MOTION.** Councilmember Bringhurst moved that Christmas gift certificates be in the same amounts as they have been in the last several years; \$50 for full time employees, \$30 for part time employees and \$20 for board members. Motion seconded by Councilmember Denison and carried.

## 15. DENNIS CHRISTENSEN, SHANE HENRIE - Travel Approved

Mayor Colosimo presented the following travel requests.

Dennis Christensen, Shane Henrie - Street Survival, Las Vegas, Nevada, November 30, December 1 and 2.

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

## 16. COUNCILMEMBER STEVE BRINGHURST - Resignation

### PERMISSION TO ADVERTISE FOR COUNCIL VACANCY

Councilmember Steve Bringhurst submitted his resignation as a member of the City Council effective January 1, 1999. Councilmember Bringhurst stated that he has accepted employment in St. George, Utah.

**MOTION.** Councilmember Nikas moved that the resignation be accepted and that permission be given to advertise for the Council vacancy. Further, that the appointment of a new Councilmember be made at the Council Meeting scheduled for December 16th. Motion seconded by Councilmember Denison and carried.

## 17. THANKSGIVING HOLIDAY - Additional Holiday For November 27, 1998

**MOTION.** Councilmember Denison moved that in conjunction with the Thanksgiving holiday on Thursday, November 26th, that employees be given an additional holiday on Friday, November 27, 1998. Motion seconded by Councilmember Wheeler and carried.

18. SCOTT MARVIDIKIS, RON NEWMAN - Reclassification

Mayor Colosimo presented the following personnel requests:

Scott Marvidikis - Streets, Laborer, reclassification from Temp/FT To Perm/FT

Ron Newman - Maintenance, Laborer, reclassification from Temp/FT To Perm/FT

**MOTION.** Councilmember Denison moved that the above reclassifications be approved effective December 1, 1998. Motion seconded by councilmember Nikas and carried.

19. UTAH CEMETERY INVENTORY PROGRAM - Request To Submit Grant Application

Gary Sonntag requested permission to submit a grant application to the Utah Cemetery Inventory Program. This is a program to create a computerized database and map of the cemetery and burials. The grant is a 50/50 match. It fits in with the City's objective to improve the management of its facilities through use of Geographic Information Systems.

**MOTION.** Councilmember Bringhurst moved that the request be granted. Motion seconded by Councilmember Piccolo and carried.

20. CITY HALL NORTH WALL REPAIR #9S-96 - Allen& Bailey Structural EngineersPartial Payment #2 - Tabled

Gary Sonntag reported that Allen & Bailey Engineers have invoiced the City in the amount of \$5,371.22 for the engineering work completed to date on the City Hall North Wall Repair. The insurance adjuster has notified us that the insurance company will pay for the cost of the project. However, the insurance company has not paid for any of the work to date. He recommended that the City pay the engineering company and then collect from the insurance company. The Council discussed if this was the correct procedure to follow and recommended that a letter be sent to the insurance company requesting that they pay the invoice. The item was tabled.

21. PRICE RIVER DRIVE BUSINESS PARK A & B - Sewer Easement - Tabled

Gary Sonntag reported that the development of the Price River Drive Business Park included a private sewer line. The sewer connects to the City's main line in 600 West, crosses the right-of-way, goes through the lot where the BLM facility is located and then through the lot where the Human Services Building is. The sewer line then crosses into the right-of-way of Price River Drive street. From this point, sewer service lines run into each of the vacant lots #3, #4, and #5. Since the majority of the sewer line is on private property and services only the business park, it is recommended that the small sections within the right-of-way remain under the ownership and maintenance of the property owner. Gary recommended that the City issue an easement for the sewer within the right-of-way. Councilmember Piccolo asked if the line was constructed according to City specifications? Gary stated that he could not verify this as the sewerline was not included in the original plans. Councilmember Piccolo stated that if the owners can provide proof that it was constructed according to City specifications, then he would have no problem approving sewer easement. The item was tabled for further review.

22. FLOAT FOR ELECTRIC LIGHT PARADE - Permission To Increase Budget

Gary Sonntag reported that in a previous meeting, the Council approved a budget of \$500 for the construction of a float for the Helper Electric Light parade. These funds are insufficient to do a good job.

**MOTION.** Councilmember Piccolo moved that another \$500 be allocated for the float. Motion seconded by Councilmember Bringhurst and carried.

23. NORTHWEST DRAINAGE CONTROL - Property Purchase Near 100 East Covecrest Drive - Tabled

Gary Sonntag reported that in an effort to develop access for flood control in the Park Crest Cove area, the City asked Owen Harwood if he would sell a parcel of property, which is north of Park Crest Cove #1 Subdivision and adjacent to the lot that will be secured by the City from the County. Mr. Harwood stated that he would sell the property (.43 acres) for the market value of \$4,300, as determined by the County Assessors office. Gary stated that obtaining this property would allow the City to move further to the east to carve ditches and drainages. However, there will still be a small amount going

down Covecrest Drive. The Council discussed different options for flood control and questioned if the homeowners would be happy with this solution.

**MOTION.** Councilmember Bringhurst moved that the item be tabled for further review. Motion seconded by Councilmember Piccolo and carried.

#### 24. PRICE RIVER WATER IMPROVEMENT DISTRICT - Update On Rate Study

Councilmember Denison reported that a draft of Price River Water Improvement District's rate study will be presented at a committee meeting scheduled for Monday, November 16th. The draft will be reviewed over the next several weeks before a recommendation is made. He will provide copies to the Council for their review.

#### 25. CARBONVILLE ROAD SEWERLINE REPLACEMENT - Permission To Proceed

Gary Sonntag reported that in a previous meeting, the Council discussed constructing a new sewer main in order to connect Steve's Transmission as well as the Jerry Chavez residence. If this is done, it will be necessary to obtain an easement through the Kiahtipes property in order to do this. The Kiahtipes brothers have indicated they would like the City to install the line along Carbonville Road rather than through their property. The estimate for this line is \$25,000. Mr. Chavez and Mr. Ballard have agreed to participate in the project in an amount of \$2,500, which would be \$1,250 each. Gary stated that as this new line is an unbudgeted item, he will have to shift money between line items. Councilmember Piccolo brought up the fact that Mr. Ballard will have to provide proper treatment facilities for his transmission business. This could be quite costly.

**MOTION.** Councilmember Piccolo moved that permission be given to follow through with the sewer line and that both Mr. Chavez and Mr. Ballard be informed in advance of the connection fees and pre-treatment facilities, and whatever other fees there are. Motion seconded by Councilmember Denison and carried.

Meeting adjourned at 7:37 p.m.