

Minutes of the Price City Council Meeting
City Hall: Price, Utah
November 12, 2014 at 5:30 p.m.

Present:

Mayor Piccolo

Councilmembers:

Miles Nelson

Rick Davis

Layne Miller

Wayne Clausing

Kathy Hanna-Smith

Kevin Drolc, Police Chief

Laurie Tryon, City Recorder

John Daniels, Human Resource Director

Lisa Richens-Finance Director

Nick Tatton-Community Director

Gary Sonntag-Public Works Director

Excused Absence: Customer Service Director-Bret Cammans and City Attorney-Nick Sampinos

Present: Collin Fawcett, Russell and Kendra Seeley, Jeff Anderson, Mike Behling, Ben Logue, Scottie Draper, Caleb Nelson, Ashley Richens, Trey Richardson, Garrett Hathaway, Tanner Richardson, Scott Critchett, Paul Richens, Tyrell Gray and Nathan Richens

A presentation by Jones & DeMille Engineering for the new road project from 400 North to Cedar Hills Road took place at 4:30 p.m. prior to the City Council meeting. **MOTION.** Councilmember Davis moved to approve the project as presented. Motion seconded by Councilmember Hanna-Smith and carried.

Mayor Piccolo called the regular meeting to order at 5:30 p.m. and Boy Scout, Caleb Nelson, from Troop #281, led the Pledge of Allegiance. Roll was called with the above Councilmembers and staff in attendance.

MOTION. Councilmember Nelson moved to strike item #14 on the consent agenda. Motion seconded by Councilmember Hanna-Smith and carried.

1. PUBLIC COMMENT-

Caleb Nelson of Boy Scout Troop #281 presented his Eagle Project to the Mayor and City Council and asked for their support in its completion. He stated that he would like to add traffic control barriers for ADA access into the Price City Cemetery for Memorial Day weekend use. He stated that he had spoken to Brianna Welch and Gary Sonntag and had received approval from both of them. The Mayor and City Council expressed their support as the project would benefit the citizens visiting the cemetery and suggested Mr. Nelson do a ribbon cutting before Memorial Day. Mr. Nelson stated he would reach out to the public for donations to pay for the project.

Gary Sonntag, Public Works Director, stated that the Parks Department will take the remaining pumpkins from the City planters that are throughout Main Street and recycle them by donating them to a local farmer for livestock feed.

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

Mayor Piccolo presented Lisa Richens, Finance Director, with a letter of appreciation and a gift card for her professional expertise and capacity for detail in finding a gap in the Price

City Cafeteria Plan. The Mayor and City Council thanked her for going above and beyond the call of duty.

3. EMERY TELCOM-Mike Behling. Downtown fiber optic expansion. Explanation of project and request for easement to install a junction vault at approx. 50 North 100 East, east side of street on City property (City Hall Block) in the southwest corner of rose garden.

Mike Behling from Emery Telcom, stated that, beginning the first part of December 2014, approximately 18.25 miles of fiber will be installed in the downtown area. Two thousand five hundred feet of that fiber will be run from the Emery Telcom office on 100 North to a 4' x4' vault on 100 East. He stated that the vault will necessitate the City's issuance of a public utility easement document that will be created accordingly with review by the City Attorney. Mr. Behling stated that this is the last big project in the City to connect everything together for a new fiber mainframe. Mayor Piccolo requested a copy of how all of the fiber lines tie together for display at City Hall. Councilmember Hanna-Smith asked Mr. Behling how the information will be provided to the affected citizens in the downtown area. Mr. Behling stated that the local ETV10 channel and newspaper will get the information out as well as contractors will be leaving notices on doors of those affected. He stated that the company will follow all traffic laws and place UDOT signage/cones when roads are closed or being worked on. **MOTION**. Councilmember Miller moved to approve the project under the direction of staff. Motion seconded by Councilmember Clausing and carried.

4. ORDINANCE 2014-004-Requiring permitting and fee for street pavement openings in the public right of way within Price City. This ordinance will enable City staff to better manage and enforce street openings and their restoration.

Gary Sonntag, Public Works Director, stated that this ordinance will clarify in detail the permitting process and fees to be paid by anyone asking for a street pavement opening in the public right of way within Price City. He stated the cost is what the City has to pay for pavement restoration and this ordinance will enforce the fee for contractors in order to complete projects. Councilmember Hanna-Smith asked if the one year guarantee period mentioned in the ordinance is for restoration. Mr. Sonntag stated that the City guarantees the pavement but the contractor is to pay the fee for restoration and prior to this time there was a procedure for contractors for a street opening permit for \$3 per square foot which was far short of what it really takes to do the work. He stated this ordinance will bring everything current to meet costs and secure restoration. **MOTION**. Councilmember Davis moved to approve Ordinance 2014-004. Motion seconded by Councilmember Nelson and carried.

5. RESOLUTION 2014-22 Consideration and possible adoption of Resolution 2014-22 amending the Cafeteria Plan for employee benefits. Ref Memo dated November 5, 2014.

John Daniels, Human Resource Director, stated that when employees choose payment in lieu of participation of medical benefits, the payment to them must be taxed. He stated that this information was not in the PEHP Cafeteria Plan and needs to be changed by adding Section 4.2 which states, "Payment in Lieu of Participation". Some employers may provide a contribution to Eligible Employees to be used either under the Benefit Programs or under another retirement plan as defined by the Employer. If, under this arrangement, this

Employer contribution is not allocated, in whole or in part, to any of the available Benefit Programs or applicable retirement plan, a cash payment may be made to the Eligible Employee. If the Eligible Employee receives a cash payment, the cash payment shall be taxed. The Employer may also subtract from the cash payment the Employer's share of the FICA cost. Please contact the Employer for details as to whether it offers this Payment in Lieu of Benefit Participation option and the election requirements". **MOTION**. Councilmember Nelson moved to approve Resolution 2014-22. Motion seconded by Councilmember Miller and carried.

6. RESOLUTION 2014-23 Consideration and possible adoption of Resolution 2014-23 establishing a job description for City Recorder/City Clerk. Ref Memo dated November 10, 2014. **MOTION**. Councilmember Miller moved to approve Resolution 2014-23. Motion seconded by Councilmember Clausing and carried.

PLANNING AND ZONING COMMISSION-Nick Tatton reported that the Planning and Zoning Commission gave a favorable recommendation on the applications for a Conditional Use Permit as follows:

7. Conditional Use Permit
 - a. NORTH EASTERN SERVICES-190 So. 200 E. - Professional and Administrative Office-Final with conditions. **MOTION**. Councilmember Miller moved to approve a Conditional Use Permit with the conditions listed below for North Eastern Services. Motion seconded by Councilmember Hanna-Smith and carried.
 - a. Obtain a Price City building permit, if needed, for building renovations, if occurring, finding that properly permitted and inspected commercial building renovations protect the health, safety and welfare of the community.
 - b. Building safety inspections by the Price City Building Inspector and Price City Fire Chief and compliance with any safety recommendation stemming from the inspections finding that completion of safety improvements, if needed or required, protect the health, safety and welfare of the community.
 - c. Submission of all building signage to the Price City Planning Department prior to installation finding that properly reviewed and authorized business signage promotes consistency in the community and is consistent with the Price City General Plan.
 - d. Maintain a minimum of seven (7) off-street parking spaces finding that approximately 2,100 square feet of net usable building space is available and one (1) off street parking space is required for each 300 square feet of net usable building space finding that off street parking is required in chapter 4 of the Code.
 - e. No conditions at the property or structure that violation the Price City Property Maintenance Code finding that properly maintained structures and property protect area property values and is consistent with the Price City General Plan.
 - f. Owner of building notified to have the parking lot asphalted within two years as required by Code. City staff will work with property owner, business owner and Active ReEntry to plan and complete the necessary surfacing requirements.
 - b. YESCO, LLC.-750 West Price River Dr.-Free Standing Signs-Creekview Shopping Center-Final with conditions. **MOTION**. Councilmember Hanna-Smith moved to approve the Conditional Use Permit with the conditions listed below. Motion seconded by Councilmember Davis and carried.
 - a. No other signs of any type or location herein approved finding that only the signs referenced as #1, #2 and #3 have been reviewed and evaluated for compliance with the Code and Price City General Plan.
 - b. Signs must be installed by a licensed sign contractor and under the auspices of a Price City building permit finding that properly permitted and inspected construction and sign installation protects the health, safety and welfare of the community.
 - i. Specific review and inspection for foundations, wind load, electrical connections.
 - c. No off site advertising permitted to be placed on any of the signs finding that off side advertising and billboards are restricted by Code.
 - d. Discontinued or vacated businesses from Creekview Shopping Center advertised on the signs must be removed within thirty (30) days of the discontinued or vacated business finding that removal of discontinued and vacated business signage mitigates community commercial business confusion and is consistent with Section 4.7 of the Code.
 - e. No negative impact to the Price River Trail system adjacent to the Creekveiv Shopping Center finding that the trail

- system and public right-of-way along the trail is a vital community recreation component.
- f. No violations of the Price City Property Maintenance Code for structures or property within the boundaries of the Creekveiw Shopping Center finding that properly maintained structures and property protect area property values and it is consistent with the Price City General Plan.

c. **EASTGATE APARTMENTS-155 South Bel Aire Drive-LaPorte Construction-Advance Occupancy Request**

Councilmember Clausing stated that he has a conflict of interest as his place of employment benefits from this project but that he would not refrain from a vote. Scott Critchett, Eastgate Apartments representative, stated that the school bus contract and backflow meter issues are being worked on at this time. **MOTION**. Councilmember Davis moved to approve the Conditional Use Permit final with conditions. Motion seconded by Councilmember Miller and carried.

Approval of residential occupancy **for building F only in accordance with the following conditions:**

- a. Planning and Zoning and Overall Site Plan:
- i. Construction and all site development consistent with original site plan and building A occupancy approval submitted by LaPorte previously and with building F occupancy request, attached, as it relates to possible residential **occupancy of building F only** understanding that any occupancy approval for building F may be amended by Price City to accommodate any occupancy requests for previous or additional structures at Eastgate Apartments and for final overall occupancy approval.
 - ii. Permanent power supply to building F completed and removal of all temporary power service to building F under the direction of the Price City Electrical Department. Temporary construction power to be located away from any locations where residential occupants may access building F.
 1. No construction power access from a building occupied by residents.
 - iii. Residential access only. All construction and development access from east Main Street ingress/egress or from 200 South. All clubhouse construction access to be from ramp area indicated on building F occupancy site plan submitted by LaPorte and on opposite side of residential hard barrier safety fence as indicated below.
 - iv. Hard barrier fencing, minimum of 6 feet in height, separating all residential living and parking, garbage, school bus, etc. areas from construction areas. Fencing to have signage installed at reasonable intervals along fence indicating dangerous construction areas and restricting residential occupant access. Signage consistent with that indicated on building F occupancy site plan submitted by LaPorte.
 - v. All utility services connected and functional, confirmed by the utility provider, and authorized by the respective utility providers for building F. Including electrical power, natural gas, water, sewer, telephone, television, internet, storm water.
 - vi. All off-street parking areas for building F fully developed and installed including parking area paint striping, installation of parking canopies and debris removal/sweeping of building A parking areas to mitigate potential for flat tires. Minimum parking stalls for building F to be 27 spaces, including all ADA spaces as required by Code. This parking minimum requirement is in addition to those spaces required for building A under prior approval.
 - vii. Garbage dumpster to be located in the permanent location as listed on originally approved overall site plan and removal of all temporary dumpster location fencing. Installation of the permanent garbage dumpster enclosure with gates to service building F consistent with the original approved site plan and not to impact required off-street parking. Temporary garbage dumpster authorization period associated with building A occupancy expires on October 23, 2014.
 - viii. School bus stop on Main Street identified and signage installed and coordinated with the Carbon County School District indicating that the student bussing pick-up and drop-off area meets all requirements including student safety requirements. All school bus pick-up and drop-off areas to have signs placed by LaPorte and paint striping in compliance with letter from Carbon County School District and any direction for child safety provided by the School District, Price City Police Chief and the Utah Department of Transportation (UDOT). **Written school bus plan and documentation required.** All reasonable steps should be taken and documented by LaPorte to develop an agreement with the Carbon County School District whereby school bus service may be accommodated off-street in the turn-around area. **A report on such reasonable efforts to be provided by LaPorte to Price City.**
 - ix. All building F area exterior security lighting, parking area lighting to be fully functional and operational.
 - x. Six foot (6') east property boundary sight obscuring fence installed per original plans.
 - xi. All private roadways within the development that may be accessed by residential occupants to be completed to a state of final construction including all paint striping, parking locations, street signage (on private and public roadways), fire lanes, concrete valve and manhole collars, etc.
 1. "Main Street" signage installed at ingress/egress.
 2. Installation of private roadway security entrance/exit gate on Main Street residential ingress/egress per original site plan approval.
 3. Installation of private roadway security entrance/exit gate on 200 South Street residential

- ingress/egress per original site plan approval upon completion of heavy construction activities south of building A and F.
- xii. All building F final landscaping and landscaping irrigation and maintenance installed to a state of final construction inside of the temporary construction fencing. Full and final landscaping installed within hard barrier safety fencing zone and as indicted on building F occupancy site plan submitted by LaPorte. Confirmed and tested irrigation system backflow prevention equipment installed. Written confirmation from the Price City Water Department regarding installation and testing of backflow prevention required.
 - xiii. All conditions of original final approval, discussed or not presently, are still in full force and effect and that LaPorte continues to be bound to comply with all conditions of approval and any additional conditions of approval stemming from this or future advance occupancy requests received by Price City from LaPorte.
 - 1. Specific requirement: Full time, on site, LaPorte employee property manager active as required in original final approval. Must be on-site and available for all resident or community needs. Contact information for on-site manager to be provided to Price City prior to occupancy of building F.
- b. Building Department:
 - i. Full and final Price City Building Department approval for occupancy of building F indicating that the building meets with all adopted construction code requirements, approved plan review, and is safe for residential occupancy. Written confirmation from the building inspector required.
 - c. Fire Department:
 - i. Full and final Price City Fire Department approval for occupancy of building F indicating that the building meets with all fire safety requirements including fire department apparatus access from Main Street and from 700 E-200 S, and tested/approved fire hydrants. Written confirmation from the fire department required. Specific fire safety requirements as summarized below:
 - 1. Building F shall meet all International Fire Code requirements for a multi-story "R" residential occupancy.
 - 2. All fire systems to be tested and witnessed by the Fire Code Official or designee. Fire safety systems maintained in accordance with Code.
 - 3. Fire hydrants and supply pipes to be flushed and tested and witnessed by the Fire Code Official or designee. Hydrant operation to not be impeded by location or install height.
 - 4. Private fire hydrants to be tested, maintained and inspected annually by qualified inspector/tester and report provided to the Fire Code Official or designee.
 - 5. All fire access roads to be a minimum of 26' wide and accommodate support for 75,000 pound fire apparatus access.
 - 6. Access entrance gates compliant with Code and Fire Code Official approval.
 - 7. No overhead power line or other obstructions that may impede fire apparatus access to site or building F.
 - 8. Authority provided by LaPorte to Price City to remove any vehicles parked or otherwise impeding the posted fire lanes on the private property at the expense of the vehicle owner and/or LaPorte.
 - ii. Fire lane along east property boundary to be painted, signed and restricted to parking per all instruction and direction provided by the Price City Fire Chief. Signage consistent with that indicated on building F occupancy site plan submitted by LaPorte.
 - 1. Fire lane signage to be spaced no more than 50'. One sign at the beginning of the zone and one at the end of the zone with interior signs spaced at a distance not to exceed 50', or line of sight when obstructions are present.

CONSENT AGENDA-Councilmember Hanna-Smith moved to approve consent agenda items 8 through 17 with items 18 and 19 removed for discussion. Motion seconded by Councilmember Nelson and carried.

- 8. MINUTES
 - a. November 7, 2014-City Council Workshop
 - b. October 22, 2014-City Council Meeting
- 9. BUSINESS LICENSE-Authorization to approve a business license for C. Hansen Designs at 450 W. 300 So. (HOB)
- 10. POLICE DEPARTMENT-Authorization to purchase two used 2013 Ford Interceptor police vehicles with equipment and exterior wrapping at a cost of \$19,500 each, \$39,000 total.
- 11. 1900 EAST PRICE PHASE I: AIRPORT ROAD TO 300 NORTH (1C-2015) Approval of

Local Government Contract with UDOT for consultant services for the design of phase I: JUB Engineers Inc. not to exceed \$115,099.84. (Budgeted UDOT-SUR).

12. STREET DEPARTMENT-Purchase of Retroreflectometer for traffic sign quality maintenance, #3E-2014, Class 'C' Road Fund, Advertised and three companies notified, one bid received, Professional Pavement Products Inc. (PPPI), Houston Tx, Compliant, \$9,350, Awarded to PPPI for bid amount, budgeted.
13. PURCHASE STREET DEPARTMENT-1 1/2 ton truck with dump bed, #5E-2014, Class 'C' Road fund. Replaces Unit #3329. Two bids received and opened: Price Auto Group, 2015 F450, \$45,959.92 (spec. compliant); Moab Auto Group, 2015 Ford F450, \$42,848.18 (non spec. compliant); Bid awarded to Price Auto Group for Bid amount, Budgeted.
14. BID OPENING-Authorization to award Sewer Cleaning, Project No. #20C-2014 to Twin D Inc. Principal items of work are: Schedule 'A': cleaning approximately 128,000 feet of sewer pipeline using contract services with specialized water flushing and vacuum cleaning equipment, north of Main Street. Schedule 'B': An additive alternate option to extend the contract for cleaning approximately 68,000 feet of sewer pipe south of Main Street; not to obligate the City or initiated the work prior to July 1, 2013. Budgeted: \$50,000 per fiscal year. Received bids from: Waste & Water Logistic, LLC. Bid A: \$101,760, Bid B: \$54,060, Total: \$155,820. Twin D Inc. Bid A: \$43,270, Bid B: \$23,990 Total: \$67,260.
15. HIRING - Approval to ratify, advertise and fill the vacancy left by the resignation of the City Recorder using the approved Price City hiring process.
16. HIRING - Approval to advertise and fill the vacancy left by the resignation of the Building Inspector using the approved Price City hiring process.
17. TRAVEL REQUEST-
Officer Burke and Captain Barnes-School Violence, Safety and Security Conference-Dec.2-6, 2014, Las Vegas, Nev.
Chief Drolc- Ut. Chief of Police Mid-Winter Conference-Dec. 10-11, 2014-SLC, Ut.
Bill Wardle, Jason Wichmann-Water Cross-Connection Prevention Certification, Dec. 2-4, 2014, North SLC, Ut.
18. MUNICIPAL ENERGY TAX - Directive to staff to enforce Price City Ordinance No. 97-003, An Ordinance Creating a Municipal Energy Sales and Use Tax.
Lisa Richens, Finance Director stated that in accordance with the ordinance, and pursuant to Utah Code Section 10-1-305(1), a tax is to be levied on every sale or use of taxable energy made within Price City equaling six percent (6%) of the delivered value of the taxable energy to the consumer. Councilmember Miller asked if the City has given enough public notice to citizens as to why we are doing this. Mayor Piccolo stated that have met all of the legal notifications by law but a talking point sheet to be able to explain the issue to the citizens would be a great idea. Mrs. Richens stated that a notice would go on the utility bills and she would prepare a talking point sheet. Mrs. Richens stated that she would provide more information as it was available to her. **MOTION**. Councilmember Miller moved to approve

this directive from staff. Motion seconded by Councilmember Clausing and carried.

19. COOPERATIVE AGREEMENT-Authorization to approve the yearly agreement for Consolidated Dispatch Service in Carbon County.
Councilmember Davis asked what changed in this annual agreement. Lisa Richens stated that an increase in funding to fund the new equipment is the only change. Mayor Piccolo stated that this is the negotiated result of what Carbon County has decided to charge each city. **MOTION**. Councilmember Clausing moved to approve the agreement. Motion seconded by Councilmember Miller and carried.
20. WATER RESOURCES-Update by Gary Sonntag
 - Waiting for snowfall to fill reservoir.
21. COMMUNITY PROGRESS-CULTURE CONNECTION-Update by Councilmember Hanna-Smith
 - Hocus Pocus Awards are completed.
22. UNFINISHED BUSINESS
 - a. Recycling-Next meeting Nov. 14th

The regular City Council meeting adjourned at 7:03 p.m. by Mayor Piccolo pursuant to the motion by Councilmember Nelson.

APPROVED:

ATTEST:

Joe L. Piccolo, Mayor

Laurie Tryon, City Recorder