

# Minutes of The Price City Council Meeting

City Hall: Price, Utah

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November 24, 5:30 p.m.

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Present:

**Mayor** Lou Colosimo

**Councilmembers:** Betty 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.), Aleck Shilaos (Chief of Police)

**Excused:** Councilmember Roy A. Nikas, Vern Jones (Community Administrator)

**Others Present:**

Margaret Skaggs, Roger Skaggs, William Skaggs, Dave Shiner, Crysanne Hall, Debbie Krompel, Rick Krompel, Christie Krompel, Jana Abrams, Glen Wells, R. E. Byrd, Vange Byrd, Roger Byrd, Steven R. Raber, Kennedy E. Byrd, Carson A. Byrd, Karla Byrd, Silvia Fassio, Julie Conk, Richard Ghirardelli, Karen Bliss, George Conk

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

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1. MINUTES - November 10, 1998

**MOTION.** Councilmember Bringhurst moved that the minutes of the November 10, 1998 meeting be approved as written. Motion seconded by Councilmember Wheeler and carried.

2. RICK KROMPEL - Complaint On College of Eastern Utah Catering Service

Rick Krompel stated that he is concerned that the College of Eastern Utah is competing with private enterprise. Councilmember Bringhurst asked why this would concern the City? Mr. Krompel stated that if the college is providing services to the public, that they should have a business license and be controlled by the City. Councilmember Bringhurst stated that the Attorney General has indicated that the college does not need a business license and that this matter should be taken to the Board of Regents. The City does not have any jurisdiction over the college. Mr. Sampinos confirmed that after his review, he found that the college is exempt from the City's jurisdiction regarding licensing, taxes or any assessments. As long as the college is working within the guidelines of their policy and not competing with the local merchants, he does not have a problem with the way they are operating.

George Conk, owner of Chelsey's Manor, asked if the City is supporting private enterprise that the college is competing with. Mayor Colosimo stated the City is not supporting anybody. The City does not have jurisdiction to tell the college what to do.

Karen Bliss, representing the College of Eastern Utah, explained the policies that the college is required to operate under. Price City does not have the jurisdiction over the college in many matters. As a State entity and by law of the State of Utah, the college is exempt.

Jana Abrams, representing the Holiday Inn, stated that several years ago, she sat in meetings with the college, the City Council, and the Chamber of Commerce when the idea of the Student Activity Center was planned. The then CEU President, Mike Petersen, stated that the college would not compete with private enterprise. They would not book a

meeting of any size that could be held in a facility in the City. Based on this, she did not feel bad about the center. At the present time, she feels it is in direct competition.

Richard Ghirardelli asked if the college is following the procedures for what they are supposed to be doing? The Council reminded Mr. Ghirardelli that the City has no jurisdiction over the college.

### 3. KENNEDY BYRD - Utah League of Cities and Towns Award

Councilmember Piccolo reported that earlier in the year, Kennedy Byrd, a student at Notre Dame Regional School, wrote an essay pertaining to our community, which was a statewide essay contest for 7th graders. Kennedy won top honors for herself and the school. Councilmember Piccolo presented Kennedy with a plaque provided by the Utah League of Cities and Towns. He congratulated Kennedy on this honor.

### 4. FARLIANOS CAFE - Special Event Liquor Permit

**MOTION.** Councilmember Bringhurst moved that local consent be given to Farlianos Cafe for a special event liquor permit for a catering function to be held at the CEU Student Center building on December 19th. Motion seconded by Councilmember Piccolo and carried.

### 5. CARBON COUNTY - Building Permit Fees Waived

**MOTION.** Councilmember Piccolo moved that building permit fees be waived for Carbon County to construct a security fence at the jail. Motion seconded by Councilmember Wheeler and carried.

### 6. OUTSIDE WATER CONNECTION - William R. and Misty D. Skaggs

**MOTION.** Councilmember Denison moved that an outside water connection be approved for William R. and Misty D. Skaggs, Spring Glen, contingent upon obtaining an easement for utility lines. Further, that in lieu of a share of water, that a fee of \$1,650.00 be set. Motion seconded by Councilmember Piccolo and carried.

### 7. C & J CREATIONS - Temporary Conditional Use Permit

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to C & J Creations to sell crafts on a vacant lot owned by Ellis Pierce at 950 East Main. C & J Creations have a business license in East Carbon. **MOTION.** Councilmember Piccolo moved that a temporary Conditional Use Permit be issued upon receipt of a letter of approval from Mr. Pierce. Motion seconded by Councilmember Wheeler and carried.

### 8. GREENWELL INN AND CONVENTION CENTER - Conditional Use Permit Denied

Councilmember Piccolo reported that the Planning and Zoning Commission reviewed the request of the Greenwell Inn and Convention Center for a Conditional Use Permit and recommended that it be denied. This is a request to sell various items at various times for various purposes. A convention center has a right to lease space to any vendor. However, Councilmember Piccolo felt that issuing this permit would eliminate the process of the City to control what types of activities takes place.

### 9. WFX INDUSTRIAL TECHNOLOGIES - Struck

### 10. HOME REPAIR, SERVES-U-RIGHT - Home Occupied Businesses Approved

Councilmember Piccolo reported that Planning and Zoning Commission gave a favorable recommendation to the following requests for home occupied businesses.

Home Repair - Mel Mosher, 545 North Windsor Road

Serves-U-Right - Louis Sandoval, 410 East 100 North - Bail Enforcement Agent, Locator and Private Investigator

**MOTION.** Councilmember Piccolo moved that the businesses be approved contingent about Serves-U-Right receiving a State license. Motion seconded by Councilmember Denison and carried.

11. JOHN GOMEZ - 541 South 1750 East - Installation of Street Improvements

Councilmember Piccolo reported that the Planning and Zoning Commission gave a favorable recommendation to John Gomez, 541 South 1750 East, to waive the installation of street improvements adjacent to his property. Mr. Gomez plans to construct a carport on his property. It is the City's requirement that curb and gutter be constructed on any new improvements. However, the street runs fence to fence and there is no room for curb and gutter. Mr. Gomez has agreed to sign an agreement and attach to his property deed stating that at such time that the street receives those improvements, that he will pay his share. **MOTION.** Councilmember Piccolo moved that the required improvements be waived contingent upon receipt of the agreement for future use, and that the agreement be attached to his property deed. Motion seconded by Councilmember Denison and carried.

12. TED BIANCO, GARY SONNTAG - Travel Approved

Mayor Colosimo presented the following travel requests:

Ted Bianco - Electrical Fire Investigation, Las Vegas, Nevada, December 7-9, 1998

Gary Sonntag - Utah Engineers Association, St. George, Utah, January 20-22, 1999

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

13. CLAUDETTE MELE - Retirement - Tabled

PERMISSION TO ADVERTISE FOR REPLACEMENT

Joanne Lessar reported that Claudette Mele, receptionist at the Cemetery, has submitted her plans to retire effective December 31, 1998. **MOTION.** Councilmember Piccolo moved that the retirement be tabled until the Human Resource Director has had a chance to go over retirement benefits with Mrs. Mele. Further, that permission be given to advertise for this replacement within the City for one week and outside the city thereafter. Motion seconded by Councilmember Bringhurst and carried.

14. POLICE DEPARTMENT ONE YEAR HIRING LIST - Approved

PERMISSION TO HIRE POLICE OFFICER

Police Chief Aleck Shilaos reported that five individuals were interviewed for the position of Police Officer. Four of the five were determined to meet the requirements to fulfill the position of Police Officer. The number one individual is from out of state and needs to pass the Utah test for POST. He would like to offer the position of Police Officer to this individual. He would also like to retain the hiring list of the other three for one year should another position become vacant. **MOTION.** Councilmember Wheeler moved that the position be offered to the number one applicant and that the hiring list be retained for one year. Motion seconded by Councilmember Piccolo and carried.

15. WATER DISTRIBUTION LINE REPLACEMENT 1998, #7C98 - K & P

Plumbing & Heating - Change Order, Final Payment

Gary Sonntag presented a change order and final payment request to the contract with K & P Plumbing for the water distribution line replacement on 800 North between 600 East and 900 East. The change order reduced the contract \$1,986.20 and is necessary to reflect as-built quantities. The final payment request is in the amount of \$87,518.80.

**MOTION.** Councilmember Piccolo moved that the change order and final payment be approved. Motion seconded by Councilmember Wheeler and carried.

16. CITY HALL NORTH WALL REPAIR, #3C-98 - Kent Stilson Construction and Allen & Bailey Engineers - Partial Payments

Gary Sonntag reported that a claim to repair the City Hall North Wall has been submitted to the City's insurance carrier. The insurance adjuster indicated that they received notice from the insurance company that would be handling this claim. The insurance adjuster stated that if the City completes the payment of invoices for work completed, that the insurance

company will reimburse the City for all eligible expenses. Allen & Bailey Engineers submitted a partial payment request totaling \$5,371.22. Kent Stilson has submitted a request in the amount of \$86,829.50. **MOTION.** Councilmember Bringhurst moved that the payments be paid to the above contractors and that Mr. Sampinos become involved on this matter. Motion seconded by Councilmember Denison and carried.

#### 17. PRICE RIVER DRIVE BUSINESS PARK A & B SEWER - Partial Release #5, Letter of Credit

Gary Sonntag reported that the developer of the Price River Drive Business Park A & B has made a request for release of the remaining funds in escrow (letter of credit). The developer has completed the work on the emergency alley, landscaping, street lights, DWR driveway, the 600 West sign relocation, the drainage plug in the south wall, and the irrigation, water and power easements. In addition, a dirt access has been built adjacent to the south fence of Pierce Oil Company. Ellis Pierce is in agreement with the dirt access adjacent to his fence and stated that he would complete any additional grading as necessary. As far as the sewer line is concerned, City crews have inspected those portions of the sewer main that are in the street right-of-way. A small portion needs to be cleaned of mud and a manhole needs some grouting. Once this is done, City staff feel that the pipeline is in a condition where the City can accept it for ownership and maintenance. Gary recommended a partial payment in the amount of \$31,269.00, which include a retaining 10% in escrow until such time the sewer repairs are finished. **MOTION.** Councilmember Denison moved that the partial payment be approved and that the sewerline be accepted. Motion seconded by Councilmember Bringhurst and carried.

#### 18. PUBLIC WORKS COMPLEX, DOME B, OVERHEAD DOORS - Permission To Purchase

Gary Sonntag requested permission to purchase two overhead roll up doors in Dome B at the Public Works Complex. Two quotations have been received from local contractors - one for \$6,125.00 and the second for \$5,115.00. **MOTION.** Councilmember Denison moved that the request be granted. Motion seconded by Councilmember Bringhurst and carried.

#### 19. STEEL WATER TANKS - Removal From Service, Purchase By-Pass Piping

Gary Sonntag reported that with the completion and operation of the new 10 million gallon water tank, the two upper and lower middle steel water tanks are being taken out of service. These tanks will be drained and by-pass piping installed. Estimated cost for the piping is \$8,000. He requested permission to purchase the needed materials to complete the piping installation. **MOTION.** Councilmember Denison moved that the request be granted. Motion seconded by Councilmember Wheeler and carried.

#### 20. OLD PARKING METERS - Permission To Declare Surplus and Advertise For Sale

**MOTION.** Councilmember Bringhurst moved that the old parking meters be declared surplus, promoted as memorabilia, and advertised for sale at \$20.00 per meter. Motion seconded by Councilmember Denison and carried.

#### 21. CARBONVILLE SEWER LINE - 100 North to 300 North - Consulting Engineer

Gary Sonntag reported that the design and construction of the Carbonville Sewer line was recently approved. He requested permission to negotiate for the services of a consulting engineer to complete the design and specification preparation. Estimated cost is \$3,000 to \$4,000. **MOTION.** Councilmember Piccolo moved that the request be granted. Motion seconded by Councilmember Bringhurst and carried.

#### 22. WATER SYSTEM EXPANSION PROJECT IV, PHASE IV - 10 Million Gallon Water Tank, Water Distribution Line Replacement - Consulting Engineer

Gary Sonntag reported that the Community Impact Board recently approved the request of the City to retain the funds remaining in escrow that were left over from the construction of the 10 million gallon water tank. He requested permission to use some of these funds to negotiate the services of a consulting engineer to complete the design and specification preparation for the replacement of distribution lines coming from the 10 million gallon water tank. **MOTION.** Councilmember Bringhurst moved that the request be granted. Motion seconded by Councilmember Piccolo and carried.

#### 23. RESOLUTION #98-32 - Lease/Purchase Agreement With First Security Leasing Company (Loader, Sweeper, Truck)

Pat Larsen presented Resolution #98-32, authorizing the lease/ purchase agreement with First Security Leasing Company for the purchase of a loader, sweeper and truck. The 5 year lease is in the amount of \$235,890. The yearly payment will be

\$51,560.99. **MOTION.** Councilmember Denison moved that Resolution #98-32 be approved and that the Mayor and City Recorder be authorized to sign the resolution. Motion seconded by Councilmember Piccolo and carried.

#### 24. ALEX MARKAKIS - Sewer Line Repair

Gary Sonntag reported that when Alex Markakis had his sewerline repaired on 5th East adjacent to the credit union building, the street was opened to repair his sewerline. Mr. Markakis did not get a street opening permit and to date, the street has not been repaved. Gary expressed his concern with this hazard due to the upcoming winter months. The Council directed that staff contact Mr. Markakis about this matter.

#### 25. NORTHWEST DRAINAGE CONTROL

Councilmember Piccolo reported that he talked to the residents who live on Covecrest concerning the drainage problem. One was adamantly opposed to recovering the water from behind the homes, two didn't care and one was concerned about four wheelers driving behind his home. Mr. Sampinos stated that it might be in the best interests of the City to purchase the property located behind the homes if it would help address the water problem, as the City will continue to receive complaints on the drainage situation.

Councilmember Nikas joined the meeting at this time.

**MOTION.** Councilmember Bringham moved that the meeting adjourn and that a meeting of the Redevelopment Agency convene. Motion seconded by Councilmember Piccolo and carried.

Meeting adjourned at 7:00 p.m.

Reconvened at 7:02 p.m.

Meeting adjourned at 7:05 p.m.