

PANGUITCH CITY COUNCIL MINUTES

**JULY 14, 2009
CITY COUNCIL - 6:30 P.M.**

**LIBRARY / CITY CONFERENCE ROOM
25 SOUTH 200 EAST
PANGUITCH, UTAH 84759**

Those present at the City Council meeting were Mayor J. Arthur Cooper, City Manager Allen K. Henrie, Deputy Recorder Donna Osborn, Attorney Barry Huntington, and Council members Eric Houston, John Orton, Nick Reynolds, Tim Smith and Lori Talbot.

OPENING CEREMONY

Eric Houston conducted the opening ceremony

ADOPTION OF THE AGENDA

Tim Smith moved, seconded by Eric Houston to adopt the agenda as outlined. The motion passed with all in favor.

APPROVAL OF THE MINUTES

Eric Houston moved, seconded by Nick Reynolds to approve the minutes from the City Council meeting held on June 23, 2009. The motion passed with all in favor.

UP COMING MEETINGS

- A. The Panguitch City Planning & Zoning Commission will meet tomorrow at 7:30 p.m.
- B. Baseball Committee - July 20, 2009 at 1:00 p.m. at the Baseball Park. Mr. John Black from Cedar City will be in attendance at this meeting.

6:40 P.M. - POLICE REPORT

Sheriff Danny Perkins distributed the police report to the Council members. He commented that there needs to be improvement on traffic control during parades, especially the Harley parade. He suggested that Main Street be blocked off at 400 North and at 300 East, and the parade route should be closed off earlier. He requested 21 more cones to direct traffic. Dave Owens will get more cones to be used during the parades. Nick Reynolds gave Sheriff Perkins permission to borrow cones from the elementary school for the upcoming 24th of July parade if they are needed. Sheriff Perkins will also request more help directing traffic during the parades.

Sheriff Perkins commented that there continues to be a drug problem, especially prescription drugs, in Garfield County. There will be a community meeting held on August 26, 2009 from 6:00 - 8:00 p.m. at the Flying M Restaurant to address the Prescription Drug problem. Sheriff Perkins also informed the Council that there is a big problem with heroin drugs in Cedar City.

SEWER LAGOON NEW PERMIT REQUIREMENTS - PAUL KRAUTH

Paul Krauth from the Utah State Division of Wastewater was present to inform the City Council concerning a new requirement for a permit for a non-discharge lagoon style sewer, which is the style Panguitch City operates. The permit will be a no cost general permit. Each community must apply for a permit by the first of the year. For the first five years data on pond depth and flow will be gathered monthly from each community. All sewer lagoon liners have some seepage. This will help gather information on the amount of seepage from each lagoon. Utah State currently allows seepage of no more than 6,500 gallons per day. Utah allows more seepage than other surrounding states. Synthetic liners allow less seepage than clay liners. Panguitch City has a clay liner. Allen Henrie asked Mr. Krauth is Panguitch would be required to put in a synthetic liner. Mr. Krauth replied that only data would be collected for the first five years. Panguitch City would be required to send in a monthly report on flow and pond depth. Allen Henrie asked if Panguitch City needs to adopt an ordinance on clean-outs and laterals on the sewer system. This will be discussed in a future meeting. The flow meter on the Panguitch City is not working. Dave Owens will take care of this.

SWIMMING POOL

The swimming pool was constructed 30 years ago at the High School. The pool now needs refurbishing. Panguitch City built the swimming pool at the Panguitch High School by obtaining an easement, and the school district was to run and maintain the pool. Because of the budget crisis at the school district, discussion has arisen concerning closing the swimming pool as a possible way to save money.

Nick Reynolds stated that there were no pool supporters at the school board meeting, so the board got a one-sided opinion. There will be a school board meeting in Antimony to adopt the budget and further discuss the closing of the pool. Councilman Nick Reynolds encouraged the concerned citizens who were present at the council meeting to attend the school board meeting in Antimony. Allen Henrie recommended that some of the City Council members go the school board meeting in Antimony. Nick Reynolds stated that the idea to close the pool did not originate with the school board, but rather the idea was proposed by the teachers. There have also been claims of the ceiling over the pool being unsafe, but these claims have not been documented.

Nick Reynolds read a part of the original agreement between the Garfield County School District and Panguitch City. Legal counsel for the school district is claiming that the agreement between the city and the school district is invalid because of the age of the agreement.

Diane Fullmer questioned if there would be grants available to refurbish the pool and help with operating costs. Allen Henrie said that CIB monies may be available, but it would be a 50/50 grant/loan procedure. Allen Henrie further stated that it could cost well over \$1 million dollars to build a new pool. If this pool closes, it will be quite a while before we get a new pool.

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Allen Henrie stated that Panguitch City had helped the High School by putting \$20,000 into the new restrooms. Also five years after the pool was built, Panguitch City got a grant for solar panels for the building.

Approximately 6 months ago the school district came to the City to negotiate for more involvement from the City, but made a decision at that time without consulting with the City. Since that time Allen Henrie has attempted to open a dialog with the school district, but nothing has come of this effort because of personnel changes at the school district. Mayor Art Cooper feels that the School Board should negotiate with the City concerning the swimming pool before a decision is made

Sybil Taylor stated that the pool is a benefit in teaching children how to swim. All the children in Garfield County are extended the opportunity to take swimming lessons during the summer months, and school bus transportation is provided for children from Escalante and Bryce Valley.

Gordon Nelson asked if there is a county tax earmarked to help with the operation of the pool. Allen Henrie responded that there is a mil levee based on property values in the county. In Panguitch all these taxes go to the operation of the pool.

Tim Smith recommended that Attorney Barry Huntington and Allen Henrie research the agreements made with the school district and attempt to ascertain what actually happened. He feels that the lines of communication with the school district need to be open to help make any decisions concerning the pool.

John Orton stated that he would do anything to keep the swimming pool, the baseball park, and the track open to the community.

Sandy Smith recommended that since mostly citizens use the pool, the City should attempt to gain more control over the pool because of the benefit to the community.

Evonne Ricketts stated that kids sent to the pool during school hours are supervised by members of the community not by teachers.

The mayor stated that if the school board attempts to close the pool without City input, the City will strenuously object to the action.

Appreciation was expressed by the council and the citizens in attendance for the great job Brandon and Sandy Smith have done at the pool.

RICK MINER - LOCKSMITH - BUSINESS LICENSE

HSR CARPET CLEANING & WINDOW CLEANING - BUSINESS LICENSE

BARRY HUNTINGTON - LEGAL SERVICES - BUSINESS LICENSE

Tim Smith moved, seconded by Eric Houston to accept the three applications for business licenses with the business license for HSR contingent on the receipt of the business license fee. The motion passed with all in favor.

BECKY GREGG - COMPLAINTS ON SIDEWALKS - SKATE BOARDS, BIKES, ETC.

Becky Gregg would like input from the Council on bicycles, skateboards, inline skates, etc. on the sidewalks on Main Street. She has seen tourists and citizens of Panguitch hit by young people on bikes, etc. on the sidewalks. Allen Henrie indicated that there may be an ordinance concerning bicycles on sidewalks. Sheriff Perkins stated that if you make it illegal to ride bicycles on the sidewalks it makes a dangerous situation for bicyclers out on the road. Sheriff Perkins informed Becky Gregg that if there is a problem of bicyclers, etc. being disrespectful or endangering pedestrians on the sidewalks, it should be reported to the sheriff's department. An officer will investigate even if the reporter cannot identify the perpetrator.

Tim Smith requested that the ordinance on bicycles on sidewalks be brought to next meeting.

Becky Gregg also asked if something could be done about vehicles speeding at the intersection of Center and Main Streets. Sheriff Perkins and Deputy Houston informed Ms. Gregg that the sheriff's department has clocked the traffic at this intersection many times and found that there is not a noticeable problem. Other areas of Main Street are much worse for speeding.

ZONING CHANGE - A1 TO A2 FOR COTTAM MINOR LOT SUBDIVISION - 175 NORTH (PIGWEED ROAD)

Allen Henrie informed the Council that the Cottam minor lot subdivision has been approved by the Planning & Zoning Commission and the City Council, but the zoning change was left out.

Nick Reynolds moved, seconded by Tim Smith to approve the zoning change from A1 to A2 for the Cottam Minor Lot Subdivision at 175 North. The motion passed with all in favor.

WATER HOOK UP FOR DWIGHT MILLER

Dave Owens checked with Dwight Miller and found that in 1982 there was a water meter for Dwight Miller's property. It is tied in with the meter at the cemetery. Dwight would like the meter moved to his property. However, Dwight Miller is in property dispute with a neighbor, and said to hold off on the meter change. Dave Owens plans to move the fire hydrant in this area

and would like to move the water meter at the same time. Dwight Miller would be responsible for the cost of materials for the water line and meter.

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John Orton moved, seconded by Nick Reynolds to table the water hook up for Dwight Miller. The motion passed with all in favor.

JANET OLDHAM - MOTORCYCLE RALLY

Janet Oldham reported to the council that the motorcycle rally total costs were \$2212.23. The total cost to the City was \$1471.00. The total paid from cash was \$741.23 The total rally intake was \$3890.23. Janet Oldham returned \$3149.00 to the City.

John Orton suggested that Janet set up an account for the motorcycle rally and roll over the proceeds to help fund and improve the rally each year.

Janet informed the Council that there was an increase in the participants at the motorcycle rally this year, and she expects another increase next year. Janet Oldham is requesting from the council the same budget as last year.

Eric Houston moved, seconded by Tim Smith to continue the support of the Harley Rally and approve the budget from the City for up to \$4000.00. The motion passed with all in favor.

MAIN STREET

Cheryl Church reported on the activities of the Main Street organization. The Balloon Rally was well attended. 35 pilots is the maximum that can be launched from the field, and Panguitch has no problem attracting that many balloon pilots. The motels have the opportunity to sponsor pilot rooms. There were some minor issues, but the volunteers and sponsors were great. Cheryl also thanked the City workers for their help and patience.

The Main Street organization emphasizes advertising with the bill boards and ads in the Lake Powell Chronicle and the Southern Utah Travel Guide, etc. They also work to beautify the community.

This weekend is the Fiddler's Festival with performances Thursday and Friday nights at 7:00 p.m.. The cost is free, but donations are appreciated. Friday the Taste of Panguitch will be held from 5:00 - 7:00 p.m. The cost is \$5.00 per person or \$20.00 per family.

The Desperado Dual lunch is a fund raiser sponsored by Main Street. New phone books are in the works, and business lunches will begin again in the fall. The Merchant drawings will be held in December. Allen Henrie suggested a shop-at-home campaign in connection with the merchant drawings.

There will be another Sidewalk Sale on Labor Day. A chalk drawing contest on Main Street will be sponsored during the County Fair.

There was a discussion concerning a fax received from Harshad P. Desai. It was decided to let Attorney Barry Huntington respond to the fax. The Council members decided to compose a

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letter recognizing the good work done by Cheryl Church, the Main Street organization, and volunteers, who have helped with the events in Panguitch.

Tim Smith moved, seconded by Eric Houston to compose a letter of appreciation to the Panguitch Main Street organization and all the volunteers who make the events possible to be published in the Garfield County Insider. The motion passed with all in favor.

PENDING BUSINESS

There were no changes in the pending business list.

DEPARTMENT REPORTS

John Orton reported that the city promised to clean up and haul off the debris at the side of Dick Miller's house. He and Dave Owens will work on this. John also commented that the stalls at the Triple C need to be cleaned by the stall renters. Also we need to make sure the stall rents are paid. He requested to see a review of the finances of the Triple C Arena.

Eric Houston asked who fixed the hole in Main Street. He was informed that Dave Owens fixed the hole which was probably an old culvert or where Questar dug when laying natural gas pipes. Dave used state road material for the repairs.

Nick Reynolds commented on the problem of kids on bikes and motorized vehicles during the Balloon Glow and asked how this could be controlled. He was informed that the police have the authority to control the motorized vehicles, but there was uncertainty about the control of bicycles.

Attorney Barry Huntington informed the Council that there would be a jury trial on October 8, 2009.

Allen Henrie commented that tomorrow at 5:00 p.m. all applications for election to office ends. There are four who have filed for the office of mayor including J. Arthur Cooper, Janet Oldham, Kenny Hepworth, and Harshad P. Desai. Tim Smith and Nick Reynolds have filed for the City Council positions with the possibility of more filing before closing time tomorrow. Allen also reminded the Council members that there are faxes available at the City Office if any of the council would like to review them.

Mayor Cooper will be going to Texas to attend the jubilee held there. The Mayor pro-tem will be in charge until Mayor Cooper returns.

Lori Talbot questioned if there would be a possibility of an ATV event to be held in Panguitch.

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CURRENT BILLS

Nick Reynolds moved, seconded by Tim Smith to pay the current bills. The motion passed with all in favor.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Mayor J. Arthur Cooper

Deputy Recorder Donna Osborn