

PANGUITCH CITY COUNCIL MINUTES

**FEBRUARY 10, 2004
6:30 P.M.**

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

Present at the City Council meeting were Mayor Janet Oldham, City Manager Allen K. Henrie, City Recorder Cindy B. Johnson, City Council Members J. Arthur Cooper, Randy Hatch, Denny Orton, John Orton and Attorney Wallace A. Lee. Leland Pollock was absent.

PLEDGE The pledge was lead by Allen K. Henrie.

PRAYER The prayer was offered by Allen K. Henrie.

ADOPTION OF THE AGENDA

Art Cooper moved, seconded by Denny Orton to adopt the agenda as outlined. The motion passed with all in favor.

APPROVAL OF THE MINUTES

Art Cooper moved, seconded by Randy Hatch to approve the minutes as corrected. The motion passed with all in favor.

UP COMING MEETINGS

A. Donna Osborn would like to attend a free seminar on web page design.

B. On 2/18 John Huntsman Jr. will be at the Flying "M" from 7:30 p.m. to 9:00 p.m. Dinner will be served.

COOK PROPERTY - TOM SIMKINS Tom Simkins addressed the council regarding the Jim Cook Property. Tom made a trip to Moroni to check into a soil mulching operation. He has since been looking for a building to host this operation. Tom went through the building with Mr. Cook and Mr. Lay (Cooks Attorney).

Tom Simkins proposed a deal where he would pay each time some tires went out. He would then pay a deposit when 1/3 of the tires were gone. Tom asked if the city could reach a lease agreement between Triple "T" LLC/Mr. Jim Cook and Panguitch City. There is also a water bottling plant interested in leasing the property and building.

There was a discussion regarding leases. Attorney Wallace Lee suggested that Tom Simkins meet with Allen K. Henrie to work up a lease regarding the Jim Cook building and city property and see if the city council agrees with it.

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Randy Hatch moved, seconded by Art Cooper to move ahead with a lease between Panguitch City and Triple "T" LLC. The motion passed with all in favor.

BALLOON FESTIVAL - JANINE FELLOWS There are some high quality vendors coming to the balloon festival this year. Janine Fellows feels that we may need security at the venues. The craft fair and vendors will be at the Zions Bank Lawn. There was a discussion on where to set up for the Lions Club Breakfast.

Jeanine Fellows introduced a gentleman who would like to parachute to the middle of town on Friday at 10:00 a.m. and noon on Saturday. The council would like to have him sky dive just prior to the Harley Parade which begins at 1:00 p.m. Mr. Bastian makes these jumps all over the country and is willing to come here for the balloon festival. When he jumps he has a huge flag waving all of the way down where individuals are waiting to catch the flag so it does not touch the ground.

There is an estimate of 10,000 people here for the balloon glow down on Saturday night. The advertising budget this year is 6 to 7 thousand dollars which includes posters and programs. Garfield County Travel Council will match the advertising costs by 50%.

Art Cooper moved, seconded by Denny Orton to approve the sky jumper on Friday and Saturday and to table the contribution for the balloon festival until the council can review the budget. The motion passed with all in favor.

SEWER LATERAL ORDINANCE

Art Cooper moved, seconded by Randy Hatch to table the sewer lateral ordinance until next meeting. The motion passed with all in favor.

BUSINESS LICENSE APPLICATION - LINCARE MEDICAL SERVICES This is a medical supplies and medical machines business.

Denny Orton moved, seconded by John Orton to approve the business license for Lincare Medical Service located at 535 East Center in Panguitch. The area manager is Deanna Moore. The motion passed with all in favor.

ANNEXATION According to David Church, (the Utah League of Cities and Towns) stated that we should annex those who are receiving city services into the city limits. We do not have to have approval from them if we are providing services to them.

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Allen K. Henrie was instructed to send each of those in question a letter regarding annexation.

CAPITALIZATION THRESHOLD AMOUNT The State Auditors and our local Auditors recommend that we have a \$5,000.00 capitalization threshold in place.

Randy Hatch moved, seconded by Art Cooper to set up a capitalization threshold account in the amount of \$5,000.00. The motion passed with all in favor.

LAND ISSUES

Art Cooper moved, seconded by John Orton to table this item indefinitely. The motion passed with all in favor.

EXECUTIVE SESSION REGARDING LAND ISSUES

Art Cooper moved, seconded by Denny Orton to move into executive session at 9:20 p.m. to discuss the purchase, exchange, or lease of real property. Those invited in were Mayor Janet Oldham, City Manager Allen K. Henrie, City Recorder Cindy B. Johnson, City Council Members Art Cooper, Denny Orton, John Orton and Attorney Wallace A. Lee. Audience members Scott and Joyce Christensen. The motion passed with all in favor.

Denny Orton moved, seconded by John Orton to come out of executive session at 10:10 p.m. The motion passed with all in favor.

MULTI PURPOSE EVENT CENTER The city council met with the county commissioners to discuss the events at the multi purpose center. The main discussion was focused on whether or not to allow the sale of alcohol at the Triple "C" during the Charlie Daniels Band Concert to help with the events cost.

Attorney Wallace Lee went over the Legalities of selling alcohol and Scott Christensen explained how this issues has come about.

Citizens from Panguitch who verbalized against the sale of alcohol at the concert were: Laurel Holman, Kelly Holman, John Gillett, Jon Torgerson, Mack Oetting, Ryan Houston and Debbie Pollock.

Those in attendance asked how the council members felt regarding the issue. Randy Hatch, Art Cooper and Denny Orton were opposed. John Orton was in favor of selling alcohol stating that we need to decide if the Triple "C" is going to be ran as a business or a family center. If the center is ran as a business, John felt that we need to cater to all customers

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and provide them with what they want. He went on to say that everyone has their own opinion of a good time and we should respect that. He stated that being in the convenience store business he could not have survived without the sale of alcohol and his employees that sold the products were good people.

John also stated that he feels putting our kids under a blanket until they leave home may backfire. They are better off facing these temptations while under parent supervision. As to the kids watching their relatives selling the product lets let them decide for themselves.

Denny Orton moved, seconded by Randy Hatch to not allow alcohol sales at the Multi Purpose Center during the Charlie Daniels Band concert. Denny Orton, Randy Hatch and Art Cooper were for, John Orton voted against. Motion passed three to one.

WATER PROJECT Robert Whorley (Sunrise Engineer) addressed the council regarding a change order which will add \$44,000.00 available in the contingency fund. Robert recommended repairing the existing water tanks. The north water tank is in bad shape. A concrete expert came in and made some recommendations. The north tank needs to have the entire tank lid replaced and one foot down from the top of the wall, new fence around the north and south tanks and renovation of the chlorination building. The city needs to go out for bid on these remaining items. There is \$95,000.00 in contingency at the present time. Approximately \$10,000.00 of this is needed to pay JDM for cleanup around town in the spring.

Denny Orton moved, seconded by Art Cooper to have Sunrise work up a bid and work package and approve the change order to close the final work on the water project. The motion passed with all in favor.

PENDING BUSINESS The pending business list was edited.

DEPARTMENT REPORTS Denny Orton would like more accurate reports from the police department regarding time spent in the Panguitch City limits.

Art Cooper moved, seconded by Randy Hatch to accept the police reports and JP fine report. Denny Orton opposed. The motion passed three votes to one.

CURRENT BILLS The council reviewed the current bills to be paid.

**Randy Hatch moved, seconded by John Orton to pay the current bills.
The motion passed with all in favor.**

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ADJOURNMENT

Meeting adjourned at 10:40 p.m.

Janet Oldham, Mayor

Cindy Johnson, City Recorder