

PANGUITCH CITY COUNCIL MINUTES

NOVEMBER 10, 2009
CITY COUNCIL - 6:30 P.M.

LIBRARY CONFERENCE ROOM
25 SOUTH 200 EAST
PANGUITCH, UTAH 84759

Present at the City Council meeting were Mayor J. Arthur Cooper, City Manager Allen K. Henrie, City Recorder Cindy Johnson, City Council Members Eric Houston, John Orton, Nick Reynolds, Tim Smith and Lori Talbot. Attorney Barry Huntington was absent.

OPENING CEREMONY

John Orton conducted the opening ceremony.

ADOPTION OF THE AGENDA

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

APPROVAL OF THE MINUTES

John Orton moved, seconded by Eric Houston to approve the minutes as corrected. The motion passed with all in favor.

UP COMING MEETINGS This upcoming Thursday there will be a Highway 143 meeting and on November 16, 2009 there is a capitol improvement plan meeting.

POLICE REPORT Sheriff Danny Perkins was in attendance and passed out the police report to the council members. He reported the officers have been very busy and he is glad to have such a good bunch of officers working for Garfield County. **Eric Houston informed the Sheriff how lucky he was to have him as an officer.**

Mayor Cooper thanked Sheriff Perkins and his officers for the good work they perform.

LEASE BIC / BUSINESS LICENSE - LYNN MAGUIRE Lynn Maguire was in attendance to request approval of a business license. She is also asking to lease the bottom middle room at the BIC building for her physical therapy business.

There is wheel chair ramp on the south side entrance of the building. Some of her patients are wheel chair bound. Lynn asked if the council would be willing to give her a reduced rate in the rent for the first three to six months while she is getting established. She said it takes the insurance companies up to six months to pay her. The current rate for the room is \$300.00. This includes gas and power.

**PANGUITCH CITY COUNCIL MINUTES
NOVEMBER 10, 1009
PAGE 2**

John Orton feels we need to stay with our current rates so it is the same for everyone. Ms. Maguire was fine with the \$300.00 rate when she learned the power and gas was included. The council told her that if she made permanent improvements to the room the city would pay for the cost of materials.

John Orton moved, seconded by Eric Houston to lease the bottom middle room to Lynn Maguire at \$300.00 per month and also approve her business license to perform physical therapy. The motion passed with all in favor.

PUBLIC HEARING ON ZONING MAP Mayor Art Cooper opened the public hearing at 7:05 p.m. Allen K. Henrie went over the new proposed zoning map recommended by the planning and zoning committee. City council reviewed the map and Mayor Cooper asked for any public comments. The public hearing closed at 7:07 p.m.

Tim Smith moved, seconded by Lori Talbot to accept the new proposed zoning map recommended by the planning and zoning committee. The motion passed with all in favor.

BIDS - ELECTRICAL TRIPLE C There were two bids received to change out the lights at the Triple C. They were as follows:

Sparx Electric - \$5,000.00
Desert Electric - \$4,700.00

John Orton asked if we have to accept the lowest bid. They would like to keep the work in the valley. Allen K. Henrie said the both bidders are in the area. One bidder just recently moved into the valley and lives out by Ralph Perkins.

Mike Johnson with Sparx reported to the city council that this is the third time they have bid this job. He feels the council needs to check into this because the first bid that was opened they were clearly the lower bid and the bids should have been opened up in public. Alan Johnson said they bid off what the advertisement stated.

Allen K. Henrie explained that they were trying to move along with this project. He talked to the Mayor and they decided to open the bids with the Mayor present. They felt there was a discrepancy and misunderstanding with first two bids. John Orton asked what the discrepancy was.

Alan Johnson said they came into Allen K. Henrie's office and was told they were clearly the lower bid. Later they were told they needed to add in some items. They did this and Alan took the bid to Tony, who opened the bid and said okay. The next day Tony called him and asked for a third bid which was opened tonight at city council.

PANGUITCH CITY COUNCIL MINUTES
NOVEMBER 10, 1009
PAGE 3

Alan Johnson feels confident that the other bidder found out what their bid was. He feels strongly that it should be awarded by the first bid. Mike Johnson feels if they lost fair and square there would not be an issue. But does not feel the other bidder would have dropped his bid if he did not have information on what theirs was. Even by adding \$1,000.00 for the materials they were told to add they should have still been way under the other bid.

Allen K. Henrie said that Tony Beckstead may have made a mistake and should not have opened the second bid, but feels strongly that he did not do anything dishonest. He instructed Tony to ask Mike Talbot for a spec sheet and have the two bidders bid on that. Allen K. Henrie stated there were problems with the first bid.

Sparx would like to see all of the bids because they feel there is a big discrepancy. Mike Johnson would like the city council to see all of the bids as well. They do not understand how a bid can go from a couple thousand dollars difference to a couple hundred dollars difference.

Jim Johnson asked what gives Allen K. Henrie, Mayor Cooper and Tony Beckstead the right to open up the bids incorrectly and feels the city is breaking one law after another and they should know better. He also told the council that he is watching them very close.

Allen K. Henrie said he is not saying they made some mistakes. They had the mayor there so he felt they were okay to open the bids. One bid was bid with labor only and the other had gone and talked with Tony and added in some materials needed. Right or wrong he felt with a spec sheet and only allowing the two previous bidders to bid it with a sealed bid that was opened tonight.

Tim Smith is concerned because Tony Beckstead opened a sealed bid when he should not have. Whether he shared the information or not is beside the point.

Alan Johnson with Sparx felt that if the council members were to look at all of the bids they would see red flag after red flag and feels the friendship between Tony Beckstead and the other bidder have caused some of this problem.

There was some strong discussion between Mike Johnson, Jim Johnson and Allen K. Henrie. John Orton said that there have been some serious accusations made and we are the professionals here and the city needs talk to the attorney and look into this further for everyone's sake.

Mike Johnson stated that he and his fellow workers have supported the community well and do not feel it is right to lose a bid because of a mistake on the city's part. He does not feel is it right to lose work trying to provide for their families due to a mistake. We need to make it right.

**PANGUITCH CITY COUNCIL MINUTES
NOVEMBER 10, 1009
PAGE 4**

Mike and Alan would like the city council to look into the matter because they feel it is not right. John Orton stated it will be looked into. Mike Johnson thanked the city council.

John Orton moved, seconded by Tim Smith to table the above item until Attorney Huntington can be present. The motion passed with all in favor.

SUB FOR SANTA / CHRISTMAS IN THE COUNTRY 500.00 / 250.00 Pat Oetting puts on these events each year and does a very good job. The city appreciates her efforts.

John Orton moved, seconded by Nick Reynolds to approve \$750.00 towards the Sub for Santa program and Christmas in the Country event. The motion passed with all in favor.

CENSUS INFORMATION Mayor Cooper read a proposed Census proclamation to the council members and audience.

Lori Talbot moved, seconded by Eric Houston to accept the 2010 City of Panguitch Census proclamation read by Mayor Cooper. The motion passed with all in favor.

PLAYGROUND EQUIPMENT Allen K. Henrie met with a gentleman regarding a grant to be used towards playground equipment. There would have to be some fund raising done as well to purchase this equipment.

WATER BOTTLING PLANT - LLOYD MEIRS The current renter of the shop area at the BIC is not paying his rent and is ignoring certified letters sent to him by City Attorney Barry Huntington.

Tim Smith moved, seconded by Eric Houston to direct Attorney Huntington to move forward with the eviction process on the water bottling company in the shop area at the BIC building. The motion passed with all in favor.

CANVASS OF ELECTION Mayor Cooper read aloud the canvass of election report.

Registered voters - 909
Ballots cast - 376
Votes cast - 376

**PANGUITCH CITY COUNCIL MINUTES
NOVEMBER 10, 1009
PAGE 5**

For Mayor
Four year term

Art Cooper176
Janet Oldham197

Two City Council seats
Four year term

Rick Miller155
Nick Reynolds281
Timothy B. Smith268

Eric Houston moved, seconded by Tim Smith to accept the Canvass of Election. The motion passed with all in favor.

AIRPORT - GRANT The State of Utah Aeronautics has a 91% grant available to rework our airport runway. It will cost approximately \$91,000.00. We try to keep the airport maintained well for Life flight.

Eric Houston moved, seconded by Tim Smith to move forward with this grant to crack seal the runway with the 91% grant offered by the State of Utah Aeronautics. The motion passed with all in favor.

CITY COUNCIL 11-24, 12-22 Allen K. Henrie asked the city council if they wanted to hold the meetings before the holidays on 11/24/2009 and 12/22/2009.

Eric Houston moved, seconded by Lori Talbot to cancel the meeting on 12/22/2009. The motion passed with all in favor.

CITIZEN COMMENT Randy and Becky Yard thanked Mayor Cooper for his years of service and dedication to the community.

MULTI PURPOSE EVENT CENTER The High School wrestling tournament is coming up the first part of December and they are working on the New Year's Eve party.

PENDING BUSINESS No change.

DEPARTMENT REPORTS

Thank you - The council members thanked Mayor Cooper for everything and said they enjoyed working with him. Mayor Cooper is going out of town until the end of December. Allen K. Henrie also thanked Mayor Cooper for everything.

PANGUITCH CITY COUNCIL MINUTES

NOVEMBER 10, 1009

PAGE 6

Mayor - Mayor Cooper expressed his thanks to the council member, city employees and the great volunteers we have in our community as well as the citizens. He is proud to be a member of our community. He will always remember working/serving our community.

Sidewalk grant - The sidewalk grant is moving along slowly.

Skate board park - John Orton looked at a couple skateboard parks. One in Riverton and the other in Gunnison. He is concerned about matching funds and wants to make sure the park will be used.

Heritage Highway 89 - Allen K. Henrie reported the Heritage Highway committee approved \$25,000.00 to go towards the Quilt Walk statue.

The council members reviewed the JP Fines report for the month of October, 2009.

Tim Smith moved, seconded by Eric Houston to accept the JP Fine report for October, 2009. The motion passed with all in favor.

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

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

ADJOURNMENT

Meeting adjourned at 7:55 p.m.

J. Arthur Cooper, Mayor

Cindy Breinholt, City Recorder

