

**PANGUITCH CITY COUNCIL  
AGENDA**

**OCTOBER 28, 2008  
6:30 P.M.**

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

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

**OPENING CEREMONY** Nick Reynolds 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 MINUTES**

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

**UP COMING MEETINGS**

Allen K. Henrie reported that he has been invited to give a presentation for Emery County regarding our activities we hold here in our community.

The Triple C Meeting will be held on November 18, 2008 at 9:00 p.m. at the city office council chambers.

The auditors hired to perform our audit finished up today.

**POLICE REPORT** Sheriff Perkins was in attendance and had the Inter local agreement between the city and county ready to be signed. The agreement included the additional \$10,000.00 per year beginning July 1, 2008.

Sheriff Perkins handed out the September logs for the officers. He reported that the marijuana gardens discovered took up the majority of their time. They are being grown by the Mexican Mafia and the officers are very concerned about how big the problem has gotten. Forty tons of marijuana was taken off the streets from these discoveries.

Summer is winding down and the tourists are not traveling as much.

Mr. Perkins had an invitation for Mayor Art Cooper, City Manager Allen K. Henrie and

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Maintenance Supervisor David Owens to a table top exercise training. He reported that Emergency Management training has grown a lot over the past few years thanks to Eric Houston and Chris Hatch. They were recognized on a state level for all of their efforts in keeping training efforts up.

John Orton thanked Sheriff Perkins for being a working Sheriff.

**PUBLIC HEARING - CONSIDERATION FOR AND ADOPTION OF A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF A SALES TAX REVENUE BOND, SERIES 2008 OF PANGUITCH CITY, GARFIELD COUNTY, UTAH.**

Mayor Cooper opened the public hearing at 7 :00 p.m. Those in attendance were City Manager Allen K. Henrie, City Treasurer Carla Farnsworth, City Council Members Eric Houston, John Orton, Nick Reynolds, Tim Smith, Lori Talbot, Attorney Barry Huntington, Randy and Becky Yard, Scott and Gayle Long, Robert Worley, Alesha Hatch, Rebecca Gregg and Jolynn Smith.

Allen K. Henrie explained that Panguitch City is in the process of purchasing the old UDOT shed for the city shop. The city is getting a 50% grant from CIB and a no interest loan for the remaining 50%. As part of the process we have to hold a couple of public hearings. The bond is for \$115,000.00.

Becky Yard asked about the sales tax revenue and if it would increase. Allen K. Henrie replied that taxes would not go up. Becky then asked if there was enough in that fund to make the payments. Allen reported there was. He also said as partial payment Panguitch City ran the sewer and water lines.

Mayor Cooper declared the public hearing closed at 7:05 p.m.

**BOND RESOLUTION - CONSIDERATION FOR AND ADOPTION OF A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF A SALES TAX REVENUE BOND, SERIES 2008 OF PANGUITCH CITY, GARFIELD COUNTY, UTAH.**

Eric Houston moved, seconded by Tim Smith to approve the adoption of a Bond Resolution authorizing the issuance of a Sales Tax Revenue Bond, Series 2008 of Panguitch City, Garfield County, Utah in the amount of \$115,000.00 to be used to purchase the old UDOT shed for Panguitch City's maintenance shed. The motion passed with all in favor.

**SIGN PERMIT - H & R BLOCK** H & R Block purchased the building at 35 East Center. They have been before planning and zoning for their recommendation of approval for a proposed sign.

John Orton moved, seconded by Tim Smith to approve signage for H & R Block, to be located at 35 East Center in Panguitch. The motion passed with all in favor.

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**IMPACT FEES** Robert Worley with Sunrise Engineering was in attendance for the discussion on the Impact fees.

Allen K. Henrie reported the impact fees were passed back in March, 2008. He went on to say that when they attended City Leagues, they felt the city may be doing the impact fees incorrectly. More studying was done and Allen feels the only mistake the city made is waiving the fees for the new senior citizen center being built by the county. He learned that if the city waives the impact fees, the city then has to pay them out of the general fund. Allen stated that it does not matter to him what the council decides but he does not agree with the statement John Orton made implying we had done something illegal. Also learned at City Leagues was that money collected for the impact fee can be used to pay off debt on sewer/water or new updates to the sewer/water system.

Robert Worley phoned the lady who taught the class at City Leagues regarding the impact fees. He also talked with David Church about the issue. Mr. Worley hired an attorney to look at what he wrote for us to verify that the work he had done for Panguitch City was correct.

Recently Panguitch City has done two water projects. We built an additional tank for more storage and growth and the impact fee could be used for this. We recently completed a maintenance project on the springs, we should not use the fees for that project.

Extra debt was taken on for the sewer system to make it larger capacity for growth and we could use the impact fees to pay towards this debt. The one water project where we ran new line south of town and the sewer project is justification for use of impact fees. We need to figure out what percentage could be used to pay towards the projects. Robert Worley said that has already been tabulated into the proposed impact fees. The impact fees are designed to make them fair for new growth and existing growth.

Eric Houston said he is okay with the fees but just wants to make sure we do it correctly. John Orton stated that he wants the city to be fair with everyone whether it is the school, county or whoever it may be. Everyone needs to be treated the same. Mayor Cooper said he learned that the 4% growth is not a legitimate concern either. Eric Houston and Nick Reynolds feel we need to find out what Robert Worley finds out from the attorney he hired before we change anything on the ordinance.

The city is charging less than what we are allowed. Allen K. Henrie asked if it has to state in the bond that we will be paying a portion with impact fees before we can use them to pay off debt.

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Robert Worley thanked the council for allowing him to come and discuss this issue with them. He will report to Allen when he hears from his attorney.

Alesha Hatch feels that until everything is clear she would like to see them suspended. Allen K. Henrie feels that we need to continue to charge and the city needs to pay for the senior citizen center. Lori Talbot asked Attorney Barry Huntington if the city was out of line. Attorney Huntington feels we were justified to charge the fees.

**Tim Smith moved, seconded by Nick Reynolds to draft a letter to the county informing them that we cannot waive impact fees and the city is paying the impact fees for the Senior Citizen Center because the center will help the community. Also to send a letter to the school district letting them know they are not exempt from paying the impact fee. The motion passed with all in favor.**

**CITY COUNCIL/VETERANS DAY** The city council was fine with holding council on Veterans day.

**BUSINESS LICENSE - THE OLD SCREEN DOOR AND MORE** This is a craft and gift shop.

**Tim Smith moved, seconded by Nick Reynolds to approve the business license listed above. The motion passed with all in favor.**

**CITIZEN COMMENT** There was none.

**MULTI PURPOSE CENTER** A successful Ranch Rodeo and 4-H activity were held there. The Elementary school is not going to use the building this year. The wrestling event is still on for the first of December.

There is a gentleman by the name of Larry King who is renting the arena to put on a concert which is a tribute to county music legends. He is out getting sponsors now.

**PENDING BUSINESS** John Orton asked if anything has been worked out with Brady Eyre and the Lions Club regarding the concession stands by the outdoor arena. We will put this on the pending business list to make sure it get resolved.

**DEPARTMENT REPORTS**

**Apartment Complexes** - Planning and Zoning talked some time back about only allowing one apartment per block but it was never brought to city council to act upon.

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**Springs** - Tim reported that during the deer hunt he was up by the city springs and it looked really nice up there. Joe Black found a tree had fallen in one of the springs so he cleaned it up. It was very nice of Joe and the City appreciates it very much.

**Vote** - Attorney Huntington told everyone in attendance to go and vote.

**Auditors** - Allen reported the auditors were here and things went well. Allen commended Carla on all the work she does to prepare for this.

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

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

**ADJOURNMENT**

Meeting adjourned at 8:15 p.m.

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J. Arthur Cooper

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Cindy B. Johnson

**REASONABLE ACCOMMODATION:** The City of Panguitch will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact Allen K. Henrie at Panguitch City office at least 24 hours in advance if you have special needs.

Anyone who wishes to offer a prayer or thought in the opening ceremony at City Council is welcome to do so by calling City Manager Allen K. Henrie at 435-676-8585 to schedule an appointment.

**\*\*Items may not be covered in order listed. Panguitch City is an equal opportunity employer.\*\***