

PANGUITCH CITY COUNCIL MINUTES

**JANUARY 27, 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 Recorder Cindy Johnson, City Council Members Eric Houston, John Orton, Nick Reynolds, Tim Smith Lori Talbot and Attorney Barry Huntington. City Manager Allen K. Henrie was absent.

OPENING CEREMONY

John Orton conducted the opening ceremony.

ADOPTION OF THE AGENDA

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

APPROVAL OF THE MINUTES

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

UP COMING MEETINGS There were no upcoming meetings to report.

SOCIAL HALL - ALBERTO VASQUEZ - USE TO 7:30 P.M. Alberto Vasquez was in attendance to request the use of the Social Hall until 7:30 p.m. for an adult karate class.

Currently the city holds open gym for the youth beginning at 6:00 p.m. Mr. Vasquez reported that no one has been showing up for open gym. The kids seem to be coming later in the evening. He also feels we would be serving the public either way.

John Orton would like to see it open for the public's use at 6:00 p.m. Eric Houston stated that he would like to allow Mr. Vasquez usage of the facility until 7:30 p.m. Lori Talbot, Tim Smith and Nick Reynolds would like to see it used more and better used.

Eric Houston moved, seconded by Tim Smith to table until the next city council meeting and see if we can find out why the social hall is not being used. The motion passed with all in favor.

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2ND SETTLEMENT BIRTHDAY PARTY - PAT OETTING The 2nd Settlement of Panguitch represents the second time Panguitch was settled. The celebration is scheduled for March 20th, 2009 at 7:00 p.m. at the Social Hall. Pat Oetting is asking the city if they would make a donation for the refreshments.

John Orton moved, seconded by Tim Smith to donate up to \$200.00 for refreshments at the 2nd Settlement of Panguitch celebration. The motion passed with all in favor.

Pat thanked the council for donations made to Sub for Santa. They helped 117 children in the Panguitch and Hatch area. She also reported the Thanksgiving dinner was very successful with a wide variety of people in attendance.

BEER PERMIT - BMW RALLY BEER GARDEN MEMBERS ONLY Each year the BMW Motorcycle Rally has come, the city has approved a beer permit for a beer garden for their members only. They have requested one for the upcoming rally.

John Orton moved, seconded by Nick Reynolds to provide a beer permit for a beer garden for the BMW Motorbike Rally members only. The motion passed with all in favor.

PORTER SUBDIVISION - FINAL PLAT APPROVAL - 100 EAST 500 NORTH Mayor Cooper informed the council that Engineer Joe Black provided a letter to the city officials stating everything was in order to approve the final plat of the Porter subdivision located at 100 East 500 North.

Denny Orton was in attendance on behalf of Mr. Porter and had some question regarding the limiting of apart complexes to one per city block the city has been discussing. Mr. Orton would like to see this property grand fathered so the owner would be allowed to build apartment buildings on some of the property.

Laura Mosdell reported on the Planning and Zoning discussion as to why they are looking into limiting apartment complexes from being placed together. They are also concerned about splitting this property into light commercial and residential (a split zone).

Tim Smith expressed concerns about too many apartment buildings in the same area. A lot of problems seem to crop up when this happens. He really does not want to see this happen in our community.

Eric Houston stated that he does not want to tell anyone how to use their property. He does not see how we can deny Mr. Porter from building apartment buildings when he bought the property for that purpose. Mr. Porter has followed all of the city regulations to date.

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Lori Talbot feels that if Planning and Zoning made the recommendation to approve this we should go with their recommendation.

Eric Houston moved, seconded by Lori Talbot to accept the recommendation of the Planning and Zoning to approve the final plat approval. The motion passed with all in favor.

Denny Orton is going to ask Mr. Porter if he would spread the apartments out so they are not all grouped together.

ORDINANCE R-1 CHANGE - LIMIT APARTMENT BUILDING 4-PLEX TO ONE PER CITY BLOCK Justin Fischer (Garfield County Planner) reported on how the multi dwelling concerns he has. There is a concern of no sense of community with apartment complexes. He went over how other communities have dealt with this issue and also some suggestions on regulating multi-family dwellings. He provided the following:

<u>OPTION</u>	<u>PROS</u>	<u>CONS</u>
*Limits multi-family dwelling to one per block	*Limits density/build up	*May not prevent clustering *Does not consider lot size *Creates “due process” problems *Zoning ordinance does not clearly inform
*Implement design requirements	*Limits number of multi-family dwellings *Ensures higher quality of design	*Does not prevent clustering *Developments could still be scattered
*List “multi family” as a conditional use	*Gives city ability to place conditions *Makes developer consider impacts and mitigation	*Does not prevent clustering *Developments could still be scattered
*Create new “multi family” zone	*Limits number of multi-family dwellings *Give city “master planning” capability *Commonly practiced approach	*Long process *Citizen consensus may be difficult

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Justin presented the council with some really good options but feels the conditional use permit would allow the city to have more control over the apartment complexes. He also said a common way to solve the problem is to create a new zone. He feels the city would have a lot of problems with limiting apartment complexes to one per city block.

Attorney Barry Huntington and County Planner Justin Fischer recommends the city takes care of this issue by way of a conditional use permit.

John Orton is leaning towards a “multi family” zone. He does not feel we should tell someone what they can do with their land. Nick Reynolds stated that we are telling them through our zoning laws and regulations. Mr. Fischer said the zoning laws are in place to protect everyone.

Tim Smith feels we are better off if we are careful in what we do in the future. He feels the conditional use would allow the council to have more control. Justin said the conditional use permit would allow the city to have total control. Porter subdivision representative Denny Orton stated that he felt a conditional use permit would be a good route to take also.

Planning and Zoning member Laura Mosdell stated that the city needs to make it very clear to the public whatever route we take.

John Orton moved, seconded by Tim Smith to table this item until Planning and Zoning can look into this again and make a recommendation. The motion passed with all in favor.

CITIZEN COMMENT Randy Yard asked about the old fire station rent and utilities and if the bills were current by the current renter. It was reported that the rent and power were a little late.

A letter was written by Attorney Barry Huntington to the renter regarding the past due rent and utilities.

MULTI PURPOSE EVENT CENTER Randy Yard reported on the Triple “C” executive committee meeting. They are re-evaluating the stall rent and the usage of the tractor.

PENDING BUSINESS The pending business list was discussed.

DEPARTMENT REPORTS

Conference room/kitchen - Weight Watchers is renting the conference room/kitchen once a week and would like the kitchen cleaned when the rest of the building is cleaned.

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Steve Marshall roadway - Steve asked a council member when his lane would be paved. He said he deeded it over to the city.

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

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

ADJOURNMENT

Meeting adjourned at 8:10 p.m.

J. Arthur Cooper, Mayor

Cindy Johnson, City Recorder