

PANGUITCH CITY COUNCIL MINUTES

**March 28, 2006
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 B. Johnson, City Council Members Eric Houston, John Orton, Greg Payne, Nick Reynolds, Tim Smith and Attorney Barry Huntington.

OPENING CEREMONY The opening ceremony was conducted by Barry Huntington.

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

Greg Payne moved, seconded by Nick Reynolds to approve the minutes as corrected. The motion passed with all in favor.

UP COMING MEETINGS

A. Justice Court Judges Conference - St. George - Russell Bulkley

Tim Smith moved, seconded by Eric Houston to approve Russell Bulkley's attendance at the Justice Court Judges Conference. The motion passed with all in favor.

JUDGE BULKLEY REPORT Judge Bulkley was not able to be in attendance.

Greg Payne moved, seconded by Tim Smith to table this item until further notice. The motion passed with all in favor.

PUBLIC HEARING-ORDINANCE TO CONSIDER ENTERPRISE ZONE IN PANGUITCH

Mayor Cooper declared the public hearing open at 7:25 p.m.

Tom Barlow was in attendance to make a presentation regarding the enterprise zone that has been in the works for approximately a year and a half. He explained what an enterprise zone was and

recommended that the entire city be placed in an enterprise zone. Allen K. Henrie stated that he feels the most important reason to do this is to entice new businesses. **PANGUITCH CITY COUNCIL MINUTES
MARCH 28, 2006
PAGE 2**

Tom Barlow said that once the enterprise zone is in place it is good for five years unless the program is dropped by the state. Tom went over the proposal for the Utah Enterprise Zone Designation in detail and ask the council for information to put in the proposal.

Mayor Cooper asked for any public comment and closed the public hearing at 7:55 p.m.

Nick Reynolds moved, seconded by Eric Houston to approve resolution 2006- regarding Panguitch City's Enterprise Zone. The motion passed with all in favor.

POWER ISSUES-GARKANE POWER-UTAH POWER FRANCHISE AGREEMENT

Garkane representative Carl Albrecht and Utah Power representative Marc Cox were in attendance.

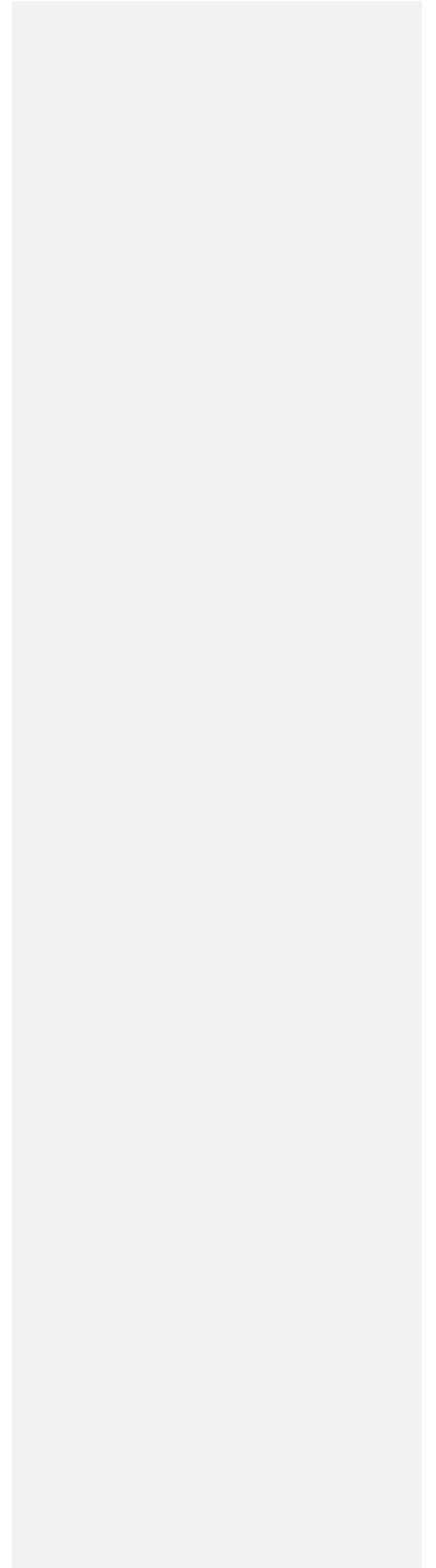
Carl Albrecht introduced Robert Wolfley as the new area manager for Garkane Power. Mr. Albrecht stated Garkane has been interested in supplying power to Panguitch and hates to see a long term franchise agreement signed with Utah Power because it would limit our options. Garkane would like to see Panguitch keep their options open and would welcome opportunities to serve Panguitch if the opportunity were to come about. He went on to say before Garkane could take over they would need Utah Power to be a willing seller. Mr. Albrecht said we do not need to sign a franchise agreement with Utah Power and they would still have to provide good service to us. If politically we feel we need to sign an agreement, he recommends we sign a short term franchise agreement and keep our options open. Carl stated the city could have an appraisal completed and condemn the system and Garkane would help what they could. He also said within one year they would have the means to take on the system to provide service to Panguitch.

Tom Hatch said he wants the best service and system for our community. He went on to report that he needed a pole moved and did not feel the service was what it should be from Utah Power and that we should support the local company.

John Orton asked what advantages Panguitch would have by going with Garkane. Albrecht again that Utah Power would need to be a willing seller. He also feels the Wasatch front is subsidizing our area. Garkane would keep our rate low and hire more people in the area. They are a member owned and non profit company. Carl Albrecht also stated it

Comment [1]: said

would be a big battle to condemn the system and Garkane would help with the costs.



Mayor Cooper feels Garkane has been a good neighbor to our community and appreciates the jobs Garkane provides. If we get a willing
PANGUTCH CITY COUNCIL MINUTES
MARCH 28, 2006
PAGE 3

seller he would not mind supporting Garkane but until then this is a dead issue. We should be appreciative of both Utah Power and Garkane. He also said it is not wise to force the issue by going into litigation unless Utah Power was not providing the service. Mayor Cooper recommended the city sign a short term five year franchise agreement with Utah Power.

Marc Cox said the franchise agreement is non exclusive and sells along with the system if they choose to sell in the future. A franchise agreement is good for both the community and the company. Utah Power intends to continue putting money into the system. He also stated he does not recommend a long term franchise agreement. Utah Power has been a good corporate citizen and have two great employees here. Mr. Cox discussed exclusive vs. non exclusive agreements with the city council. He said signing the agreement would not hurt the sell of the system if and when Utah Power is willing to sell. The franchise agreement does not show stability of the company.

Attorney Barry Huntington agreed the franchise agreement helps both parties. Marc Cox said Utah Power has and will continue to provide a good service regardless of a signed or not signed franchise agreement. Attorney Barry Huntington has went over the franchise agreement and made changes but feels the agreement is okay to sign.

Tim Smith moved, seconded by Eric Houston to sign a five year, non exclusive franchise agreement with Utah Power and Light. The motion passed. Greg Payne abstained due to conflict of interest.

SCHOOL ZONE - ONE WAY STREETS DURING SCHOOL HOURS Nick Reynolds informed the city council of the problems with the pick up and drop off of children at the elementary school. It is felt by school officials that a couple of the streets by the school need to be designated as one way streets for the safety of the children. There would be no cost to the city to do this. Fencing and barriers would be in place to channel the children away from the bus stops and cars. The school has been sited by the state for the safety issues there. Suggestions were made to improve the proposal.

John Orton moved, seconded by Eric Houston to support the school and district officials to make improvements for the safety of the children. The motion passed with all in favor.

AFFORDABLE HOUSING Tim Smith reported he was approached by a community member regarding affordable housing. He has researched the issue and found some contacts for citizens to get in touch with. He turned the information over to Allen K. Henrie.

SUMMER HELP Allen K. Henrie asked the city council if they would be **PANGUITCH CITY COUNCIL MINUTES**
MARCH 28, 2006
PAGE 4

interested in hiring Spencer Owens back for the summer and possibly one more employee for the summer.

Greg Payne moved, seconded by Tim Smith to rehire Spencer Owens immediately for the summer. The motion passed with all in favor.

JOB COACH - TRIPLE "C" TWO HOURS A DAY Tracy Johnson has approached Allen K. Henrie regarding the job coach program. She has someone in mind to hire at minimum wage to clean the Triple C one to two hours per day, five days a week. This would be on a trial basis.

Tim Smith moved, seconded by Greg Payne to approve the job coach program hiring a person at minimum wage one to two hours per day, five days a week to clean the Triple C. The motion passed with all in favor.

ZONING ORDINANCE CHANGES (ELIMINATE 17.24.060 E) There was a conflict in our zoning ordinance and we need to eliminate one. (regarding more than one home per lot) Planning and Zoning recommended an ordinance be approved to not allow more than one home per lot with the required amount of frontage. Mayor Cooper feels interior lots are not kept up well. The city council does not want to see homes built behind other homes.

John Orton moved, seconded by Tim Smith to instruct Barry Huntington to prepare an ordinance not to allow any homes to be built behind other homes. The motion passed with all in favor.

FENCE ORDINANCE We need to clear up the ordinance regarding fencing. Regardless of whether it is a live or dead fence, and the height of the fence will still require a fence permit. We will use the new permit for fencing we use for all other building permits.

Tim Smith moved, seconded by Eric Houston to require a permit regardless of height or type of fence. The motion passed with all in favor.

Attorney Barry Huntington said we would need to hold a public hearing to change this ordinance.

PARKING ISSUES - COURTHOUSE, JOE'S, H&R, CITY OFFICE, HIGH SCHOOL

There are some safety issues when it comes to backing up at the above listed areas. Allen K. Henrie suggested the parking be angled for better visibility. If lines were painted it would help a great deal with parking.

**PANGUITCH CITY COUNCIL MINUTES
MARCH 28, 2006
PAGE 5**

Attorney Barry Huntington said we would have to have an evaluation done to see if it is feasible. Barry will research this and bring it back to the council.

RESOLUTIONS FOR ANNEXATION Attorney Barry Huntington is in the process of making a checklist for when the city is being petitioned by a property owner to be annexed into the city.

Nick Reynolds moved, seconded by Tim Smith to table this item until April 25, 2006. The motion passed with all in favor.

The previous annexation has been received and approved by the State of Utah.

CITIZEN COMMENT Becky Yard is very pleased with both power companies and wants this to be known.

MULTI PURPOSE EVENT CENTER A meeting is scheduled for April 11, 2006 at 9:00 a.m. The "Cowboy's Ain't dead yet" festival is moving forward

Mike Riley has been working on the leaking roof problems at the Triple C.

John Orton asked why the city approved to allow the holding of livestock behind the arena when it was decided there was to be no livestock there other than during events.

PENDING BUSINESS The pending business list was accidently left out of the packets and will be reviewed next council meeting.

DEPARTMENT REPORTS

Eric Houston moved, seconded by Greg Payne to accept the JP Fine report. The motion passed with all in favor.

Inmate Labor - Council members are concerned about the inmates working with the summer help. Allen informed the council that the

only ones allowed to work with the inmates are Kory Owens and Troy Pollock.

Water at High School - A council member asked if the water at the schools is being metered.

Drainage - Mr. Shimmerhorn, who lives up by the post office has requested to have a low spot filled in in front of his home that he is concerned about. We have low spots all over town and we need to be careful fixing the rights-of-way. John Orton feels the city should not do this because other will want theirs fixed. Allen K. Henrie said it is not a drainage issue. **PANGUITCH CITY COUNCIL MINUTES**

MARCH 28, 2006

PAGE 6

Tim Smith suggested using the scouts to fix the area.

Airport Board - Tim Smith is working on getting an active airport board. He has talked with Tom Hatch and Jerry Jorgerson. He is going to talk with Ted Chidester if he is going to be in town.

Court Cases - Attorney Barry Huntington reported there have been more court cases filed in the past three months than the past eight months.

Netting for Baseball fields - Most of the netting has arrived.

BIC Roof - The installation of the insulation has almost been completed.

Dump Truck - The big orange dump truck that was being repaired in Cedar City was finished. Allen and Kory brought it home when they went over to pick up the lift for the BIC Building insulation.

News Letter - Allen is working on a news letter. Any information that needs to be in the newsletter needs to be in to the office ASAP.

Dumpster relocation - We need to get moving on the fencing at the industrial park where the dumpsters are to be moved to.

CURRENT BILLS The council reviewed the current bills to be paid and had some questions on some of the bills.

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

ADJOURNMENT

Meeting adjourned at 9:15 p.m.

J. Arthur Cooper, Mayor

Cindy Johnson, City Recorder

