

# PANGUITCH CITY COUNCIL MINUTES

**JUNE 24, 2014  
CITY COUNCIL - 6:30 P.M.**

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

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Those present at the City Council meeting were Mayor Eric Houston, City Manager Lori Talbot, City Recorder Donna Osborn, City Treasurer Carla Farnsworth, Council Members, Rick Miller, Trudi Owens, Tim Smith, Kim Soper, and Attorney Barry Huntington. Lloyd Brinkerhoff was absent.

Others present were Randy Yard, Becky Yard, Deanna Moore, Cherish Moore, Catania Holman, and Cheryl Church.

The meeting was called to order at 6:30 p.m.

## **OPENING CEREMONY**

Donna Osborn conducted the opening ceremony.

## **ADOPTION OF THE AGENDA**

**Kim Soper moved, seconded by Rick Miller to adopt the agenda as outlined. The motion passed with all in favor.**

## **APPROVAL OF THE MINUTES**

**Trudi Owens moved, seconded by Kim Soper to approve the minutes. The motion passed with all in favor.**

## **UP COMING MEETINGS**

All Council members are invited to the Balloon Rally pilots' dinner Thursday June 26, 2014 at 6:00 p.m. at the Fair building.

## **4<sup>th</sup> OF JULY CELEBRATION - PANGUITCH HIGH SCHOOL SENIOR CLASS**

Cherish Moore and Catania Holman presented a schedule of activities planned for the 4<sup>th</sup> of July celebration. They are requesting a \$500.00 donation from the City.

**Tim Smith moved, seconded by Trudi Owens to donate \$500.00 to the Senior Class for the 4<sup>th</sup> of July celebration with \$250.00 to be awarded before the events and \$250.00 at the completion of the events. The motion passed with all in favor.**

## **REVISED EMPLOYEE RETIREMENT POLICY**

City Manager Lori Talbot informed the Council that there were a few changes in the wording of the employee retirement policy necessary to meet the State's requirements.

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**Trudi Owens moved, seconded by Rick Miller to accept the revised employee retirement policy. The motion passed with all in favor.**

**PUBLIC HEARING - BUDGET OPENING 2013-2014**

**Rick Miller moved, seconded by Tim Smith to open the public hearing for the budget opening 2013-2014 at 7:05 p.m. The motion passed with all in favor.**

City Manager Lori Talbot explained the adjustments in the general fund revenues and expenditures. Lori Talbot reviewed the water revenue and expenditures and the sewer revenue and expenditures. The City is projecting to put \$10,000.00 into surplus funds.

The hearing was opened for comments. Cheryl Church commented that Treasurer Carla Farnsworth is awesome and Councilman Tim Smith agreed with her comment.

**Trudi Owens moved, seconded by Kim Soper to close the public hearing for the budget opening 2013-2014 at 7:13 p.m. The motion passed with all in favor.**

**ADOPTION OF 2013-2014 BUDGET - RESOLUTION 2014-2, RESOLUTION 2014-3 AND RESOLUTION 2014-4**

**Tim Smith moved, seconded by Rick Miller to adopt Resolution 2014-2. The motion passed with all in favor.**

**Kim Soper moved, seconded by Tim Smith to adopt Resolution 2014-3. The motion passed with all in favor.**

**Rick Miller moved, seconded by Trudi Owens to adopt Resolution 2014-4. The motion passed with all in favor.**

**PENDING BUSINESS**

City Manager Lori Talbot informed the Council that Kerry Savage with UDOT found \$209,000.00 that can be used to complete the park project. The park project will start on July 17, 2014. Councilman Tim Smith asked Barry Huntington if the City could purchase property with a structure in place providing the structure met all inspection criteria. Could federal grant funds be used to make this purchase? Mayor Eric Houston informed the council that there are many restrictions and guidelines for the federal grants which can be a challenge to understand and navigate.

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### **DEPARTMENT REPORTS**

**Lawsuit:** Lori Talbot reported that the lawsuit concerning hiring for the City Manager position has been resolved in our favor.

**BMW Rally:** The City received a thank you letter from the Beehive Beemers for our hosting of their rally in June.

**Dogs:** Lori Talbot has drafted a registration form to be completed by dog owners. Kim Soper suggested that a kennel license be added to the information.

Attorney Barry Huntington confirmed that in the case of a vicious dog law enforcement should be involved.

**Kiosks:** Lori Talbot reported that construction on the kiosks will begin after July 1, 2014. She requested that the council review a draft of the agreement for the kiosks. The Mormon Heritage Foundation granted the City \$1500.00 to complete the kiosks.

**Capital Project Fund Account:** The Council must adopt an ordinance to allow the creation of a capital project fund account to set aside the money received from the sale of the swimming pool building.

**Highway 143:** UDOT has approached Lori Talbot on extending the four lane highway from Joe's Main Street Market south on Highway 143 through the City. This street is confusing to visitors and many drive in the parking lane assuming it is a driving lane. Four lanes on this highway may alleviate some safety problems. If the subdivisions south of Panguitch were annexed, could the speed limit be lowered to match those in the City limits? There would be no turning lanes which may be a problem for the KOA campground. It was recommended that the property owners along this road be contacted for their input.

**Jury Trial:** There is a jury trial scheduled for Panguitch City justice court on July 3, 2014. The City must pay the jurors and the witnesses \$18.50 a day for their time and any travel expenses. Judge Russell Bulkley will preside at the trial. The attorneys have encouraged the plaintiff to settle out of court, but he is insisting on a jury trial.

**Liens:** The City has received a \$200.00 payment on an overdue water account from an owner who was notified that a lien has been placed on his property for nonpayment. Attorney Barry Huntington also informed the council that a lien will be placed on the James Patterson property if he does not pay the bill for the cleanup of his property.

**Triple C Manager:** Tony Beckstead has given notice that his last day as Triple C Manager will be August 2, 2014. Suggestions from the council on options for managing the Triple C included contracting events individually, leasing the building to a private entity for events, splitting the job between a promoter and a maintenance person, and making the job description very clear and exact especially regarding cleanup duties. The Mayor and City Manager will work with the County on the replacement of the Triple C Manager.

**Letter from Ty Brisgill:** Ty Brisgill sent a letter by email to City Manager Lori Talbot requesting that the two secondary water bibs located on his vacant lot at 200 West and 500 South be removed and that he not be charged for the secondary water which he never uses. He explained that the city council had denied his request to build a home on this property because of the 25' setbacks required for a corner lot. He requested a 15' setback which the council denied.

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The Council recommended that Lori Talbot draft a letter to Ty Brisgill explaining that one secondary water bib can be capped, but he will be obligated to pay for one secondary water bib. Lori Talbot may suggest that Ty Brisgill appeal to the Board of Adjustments for a variance so he can build on this lot. Attorney Huntington recommended the city research to clarify what happened in this issue. Lori Talbot will bring the draft to the next city council meeting for approval.

**Grandstands:** Rick Miller reported that the grandstands at the horse race track has a broken board in the announcer's box and some weak steps. There is no rail on the steps because it fell off.

The only use of the race track is for the horse races and the Lions Club demolition derby each held once a year. The grandstands are joint owned with the County and this will be addressed at the next County Commission Meeting. OSHA has made a stipulation that city workers will not go into the grandstand. The council will see if the grandstands can be made safe for the upcoming summer events.

**Trees:** Trudi Owens reported that she had been contacted about a tree near the playground at the City Park that seems to be rotten and could fall over on the playground. The Mayor informed Trudi Owens that all the trees in the park have been inspected as part of the park project. Ten trees were removed and the remaining trees were considered to be safe.

**Barbecue Pit:** The new barbecue pit near the Fair Building is not finished yet, so the old barbecue pit by the pavilion is still being used.

**Vacation Time for Employees:** Trudi Owens questioned if the employees were allowed to take vacation time when they request or is there a procedure they must follow. She was informed that employees can take vacation when requested, but certain times are more difficult to have an employee on vacation especially during events.

**Watershed:** Kim Soper informed the council that the county has adopted a resolution that there will be no more prescribed burns by the forest service this year. Kim Soper will visit with Commissioner Leland Pollock to see if this resolution can be lifted so the removal of fuel near the watersheds can be completed.

**Panguitch Lake Fire Department:** Mayor Eric Houston reported that the Panguitch Lake Fire District has received a grant for \$75,000.00 to provide interchangeable SCBA's for all of Garfield County. Garfield County is paying a 5% match for this grant.

**Cheryl Church:** Main Street Manager Cheryl Church was present and requested to speak to the Council. Cheryl Church began by inviting all council members and their families to the Balloon Rally dinner at the Fair Building at 6:00 p.m. on Thursday June 26, 2014. Cheryl Church told the Council of her move to Panguitch and her desire to contribute to the community. She explained that having the community groomed and looking nice is important to the businesses on Main Street and the residents of Panguitch. Cheryl Church has been the manager of the Main Street Committee for 9 years. She informed the Council that with the assistance of Bryan Hill, balloon pilot and owner of the Bryce Canyon Lodge, the Main Street Committee under Cheryl's leadership has built the Balloon Rally into the biggest event not only in Panguitch City but in Garfield County.

As coordinator of the Balloon Festival, Cheryl has been selective on the vendors she allows to come to Panguitch during the Balloon Festival. Cheryl wants to support

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the local businesses in Panguitch. Some vendors have contacted private property owners asking to set up a booth on their property. As director of the Balloon Festival Cheryl Church wants to keep the authority to schedule the vendors. Mayor Eric Houston stated that Jeramy Henrie was approached by a vendor who wanted to rent Jeramy Henrie's property on Main Street to set up a booth during the Balloon Festival. The question that arises in a situation such as this is the property owner's right to do what he wants with his own property. Should the control in this situation be in the hands of the property owner or the Main Street Manager? Attorney Barry Huntington will research the bylaws of the Main Street organization for a policy on this issue.

Our country's economy is based on the free enterprise system. There is also strong support for private property rights. Some council members feel that the vendors will be self policing; if they are not successful they will not return.

Cheryl Church informed the Council that this issue with the vendors is "the straw that broke the camel's back", and she is considering quitting this year. She stated that many of the Main Street committee members, volunteers, and supporters would leave if she quits. She reports that she needs respect for her position if she is to continue. Cheryl Church then left the meeting.

The Council discussed the question of being able to keep the Balloon festival viable if we lose Cheryl Church as manager. The Council recommended that the Council assure Cheryl Church of our support and respect. She has done a tremendous job, and the City will do everything possible to let Cheryl run the event by referring all requests and inquiries about the Balloon Festival to her. Trudi Owens will contact Jeramy Henrie and talk to him about the situation. Tim Smith will visit with Cheryl Church to express the respect and appreciation of the Council and the commitment to support her.

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

**Trudi Owens moved, seconded by Kim Soper to pay the current bills.  
The motion passed with all in favor.**

### **ADJOURNMENT**

**Meeting adjourned at 8:30 p.m.**

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Eric Houston, Mayor

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Donna Osborn, City Recorder