
PANGUITCH CITY COUNCIL

AGENDA

GARFIELD COUNTY COURT HOUSE
COMMISSION CHAMBERS
55 SOUTH MAIN
PANGUITCH, UTAH 84759
JULY 9, 2019 6:30 PM

- OPENING CEREMONY
- ADOPTION OF THE AGENDA
- APPROVAL OF MINUTES
- OFFICER REPORT
- COMMERCIAL SPRINKLER LINE CHARGE – JERAMY HENRIE
- **6:45 PUBLIC HEARING**
 - ORDINANCE 2019-9 CURBSIDE GARBAGE COLLECTION
 - ORDINANCE 2019-10 SECONDARY DWELLING USE & COST
- ORDINANCE 2019-9 CURBSIDE GARBAGE COLLECTION
- ORDINANCE 2019-10 SECONDARY DWELLING
- ORDINANCE 2019-12 TRANSIENT ROOM TAX
- INDUSTRIAL LOT PURCHASE – MARKAY ENGLESTEAD
- BUSINESS LICENSE – EXPLORATION STATION AT 150 W 100 S/HOLLY FRANDSEN
- PENDING BUSINESS
- DEPARTMENT REPORTS/CALENDAR
- EXECUTIVE SESSION
- ADJOURNMENT

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 Lori Talbot 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 Lori Talbot at 435-676-8585 to schedule an appointment. Participation may be telephonic or electronic .

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

PANGUTICH CITY ORDINANCE NO. 2019-9

**AN ORDINANCE ADDING CURB SIDE GARBAGE COLLECTION AND
DISPOSAL AND PROVIDING REPEALER WITHIN THE CITY OF
PANGUITCH STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to add collection and disposal of garbage.

BE IT ORDAINED by the Panguitch City Council, State of Utah, as follows:

Section 1: GARBAGE COLLECTION AND DISPOSAL:

- Definitions
- Collection Of Garbage
- Service Charges
- Method Of Payment Of Service Charges
- Processing Of Garbage Or Refuse
- Containers
- Closing Of Garbage Containers Required
- Time And Place Of Pickup
- Limitations Upon Dumping

Definitions

As used in this chapter:

"Container" or **"approved container"** or **"regulation container"** means the approved ninety (90), three hundred (300), or four hundred (400) gallon containers furnished residential users by the City, or such other container as may be periodically established by the City.

"Garbage" means waste from the preparation, handling, storing, cooking or consumption of food and food products.

"Refuse" means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

Collection Of Garbage

1. The City or its agent shall collect, remove and dispose of all residential garbage. Owners of residential properties may not privately contract for their garbage disposal. However,

commercial or quasi-public establishments may privately contract for the garbage collection and disposal.

2. Commercial establishments, and public or quasi-public institutions may either dispose of their own garbage or employ an authorized contractor to remove their garbage. To qualify as an authorized contractor, a garbage hauler must receive a city business license and written authorization from the City to collect garbage within the city. Garbage collection must be done in the manner, at such times and in such vehicles as may be approved by periodic resolution of the city council.
3. Nothing in this section shall be construed as eliminating the charge made for municipal garbage service.

Service Charges

1. All residents within the City shall pay monthly garbage service charges in the amount established periodically by resolution of the City Council.
2. If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the city recorder for no garbage collection charges during the continued vacancy of the premises.
3. The mayor, with the consent of the City Council, may excuse needy or elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

Method Of Payment Of Service Charges

1. All residences within the municipality shall pay the municipality a garbage service fee. The garbage service charges imposed above shall be added to the charge made for water furnished through the water system of the City and shall be billed and collected in the same manner as water service charges are billed and collected.
2. In the event the obligee for water service charges and the obligee for garbage service charges do not coincide, or in the event practical economic and administrative reasons do not make combined billing and collection feasible, in the opinion of the City Council, the garbage service charges may be collected with such frequency and in such manner as the City Council shall, by regulation, provide.
3. Charges shall apply to all residences whether or not they have elected to haul their own garbage or employ other services other than the authorized garbage haulers contracted by the municipality.
4. If a dwelling unit or residence has remained vacant for an entire month, the owner or possessor of the site may make arrangement with the recorder/clerk for no garbage collection and charges during the continued vacancy of the premises.

Processing Of Garbage Or Refuse

A county health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained for this purpose. The health officer may grant to any person

permission for sorting, baling, and marketing trade waste upon premises properly equipped and maintained.

Containers

1. All garbage and refuse to be collected by the City from residential users shall be placed only in approved containers. All other garbage and refuse shall be placed in suitable and sufficient garbage receptacles. These receptacles shall have tight-fitting lids, properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collections, or plastic bags manufactured specifically for use in garbage and refuse collection. Garbage and refuse shall be placed by residential users only in containers issued to them, and use of containers issued to others for garbage disposition is prohibited.
2. Title to containers furnished by the Garbage Hauling Contractor to residential users, shall be retained by the Garbage Hauling Contractor and payment for the use thereof shall be rental made to the City.
3. Users renting containers furnished by the Garbage Hauling Contractor, or having custody thereof, shall keep the containers free from destructive or decorative markings; shall maintain the original color thereof; shall keep the inside of the containers clean and free from buildup of fungus or bacteria, or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such container; and shall not deposit any hot or caustic materials therein or otherwise damage or deface such containers.
4. No household hazardous waste such as but not limited to antifreeze, batteries (vehicle & Lithium Ion - rechargeable and electronics), bleach, computers & computer monitors, fertilizers and other yard chemicals, gasoline & unwanted fuels, household cleaning agents, insecticides/ pesticides / fungicides, items that contain MERCURY: thermostats , thermometers , & compact fluorescent light bulbs (CFLs), motor oil (limit of 5 gallons/day per resident or 55 gallons/day per farmer), paint, paint thinner, pool & spa chemicals, propane cylinders, tagged A/C or refrigeration unit w/ certificate of Freon removal, CRT Televisions, transmission fluid, Any product with the words Caution, Warning, or Danger on the label shall not be deposited in the containers.
5. Residential users shall report to the City, or authorized garbage hauler, any damage to or malfunctioning of containers which limits their usefulness for receipt of garbage or refuse. Upon such notification the city may return the container to the supplier for repair or replacement pursuant to the supplier's warranty.
6. Containers lost or missing through no fault of the user thereof shall be replaced by the Garbage Hauling Contractor without charge, but users shall exercise due care to protect containers against loss through theft or misappropriation.
7. Containers furnished by the Garbage Hauling Contractor are issued to specific users by number and are nontransferable. Containers shall be returned to the Garbage Hauling Contractor upon discontinuance of use by a resident.

Closing Of Garbage Containers Required

Approved containers shall not be overfilled to the point where the lid thereon cannot completely close and cover the contents thereof. Nor shall they be filled to the extent that their contents may

be spilled during the process of pickup and dumping into the garbage collection vehicle. All garbage and refuse or market waste not deposited for pickup by the City shall be placed in rain-proof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

Time And Place Of Pickup

1. All garbage and refuse subject to garbage collection by the City shall be placed on the edge of the street next to the driveway. The wheels of the containers shall be placed as close to the street as reasonably possible, with the hinge thereof to street side and the lid opening toward the street. When snow or street construction prevent placing of the container near the street, the container shall be placed not over two feet from the edge of the snow or the construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the City.
2. Containers shall not be placed or permitted to block driveways or through traffic.
3. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to five a.m. on the day for collection.
4. All empty containers or garbage receptacles must be removed from the street as soon as possible after being emptied, and in every case, must be removed from the street the same day they are emptied.

Containers or receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.

5. Those persons physically unable to wheel containers to curb side may arrange with the mayor for proper pickup.
6. It is unlawful to park a vehicle upon a public street within the City during the hours of garbage pickup within twenty (20) feet of a container or in a manner that interferes with access thereto by the garbage collection vehicle.

Limitations Upon Dumping

Dumping waste and garbage shall be permitted only in such places as are designated by the City council. Dumping shall be subject to such rules and regulations as may be formulated by the City council.

Section 2: SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 3: PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

Section 4: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 5: EFFECTIVE DATE:

The City Council of Panguitch City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this _____ day of
_____, 2019

PANGUITCH CITY:

By: _____

KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL, Recorder

PANGUITCH CITY ORDINANCE NO. 2019- 10

AN ORDINANCE AMENDING PANGUITCH CITY CODE CHAPTER 17.24 WITHIN THE CITY OF PANGUITCH, STATE OF UTAH.

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to amend Panguitch City Code 17 as follows

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PANGUITCH CITY, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1: AMENDMENTS AND PURPOSE:

17.24.010 - Purpose.

The purpose of this chapter is to provide clarification regarding dwellings on a single lot within the City of Panguitch. The purpose is also to provide for the need to recover extra costs associated with lots containing “mother in law” homes or “vacation rentals” or “Airbnb rentals.”

- (1) As of the date this Ordinance is passed and approved by the City Council, it will no longer be allowable for single lots to have “mother in law” homes or “vacation rentals” or “Airbnb rentals” for a residential or commercial purpose in residential neighborhoods.
- (2) As of the date this Ordinance is passed and approved by the City Council, those lots containing more than one house or accessory building shall pay double water and sewer rates due to the impact of the other building, unless the lot has two meters.

Section 2: SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 3: PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

Section 4: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 5: EFFECTIVE DATE:

The City Council of Panguitch City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this _____ day of
_____, 2019

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk

PANGUITCH CITY ORDINANCE NO. 2019- 12

AN ORDINANCE IMPOSING A ONE PERCENT MUNICIPAL TRANSIENT TAX ON ALL ACCOMMODATIONS AND SERVICES, FOR PANGUITCH CITY, GARFIELD COUNTY, UTAH.

WHEREAS, Utah municipalities have been given the authority to enact a transient room tax pursuant to and in accordance with Utah Code Annotated 59-12-301, et. seq; and

WHEREAS, Panguitch City is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of Utah Code Annotated 10-3-71, the governing body may exercise all administrative and legislative powers by resolution or ordinances; and

WHEREAS, the City Council finds that the public safety, health and welfare is an issue in this matter and requires action by the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PANGUITCH CITY, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1: Transient Room Tax

It is the intent and purpose of Panguitch City to adopt a Transient Room Tax pursuant to and in accordance with Utah Code Annotated section 59-12-352 et. seq.

Definitions:

“Public Accommodation” a place providing temporary sleeping accommodations to the public and includes:

- a. Motel, Hotel
- b. Motor Court
- c. An Inn
- d. A bed and breakfast establishment
- e. Vacation Rental/Resort Home
- f. A room, including, but not limited to; temporary rentable space.

“Rent” any compensation received in exchange for providing public accommodations, time share fees and dues.

“Transient” shall mean the occupation of public accommodation, by a person, of less than thirty (30) consecutive days or less

Transient Room Revenue Tax

There is hereby levied upon the businesses of every person, company, corporation, or other like and similar persons, groups, or organizations doing business in Panguitch City as motor courts, motels, hotels, inns or the like, and similar public accommodations, an annual license tax equal to one percent (1%) of the gross revenue derived from the rent for each and every occupancy of a suite, room or rooms, for a period of less than thirty (30) days. Subject to the limitations of Utah Code Annotated 59-12-352(1), the transient room tax may be modified at any time by ordinance.

Collection

Panguitch City shall contract with the State Tax Commission to collect the Municipal Transient Room Tax. The Mayor is hereby authorized to enter into agreements with the State Tax Commission that may be necessary for the continued administration and operation of the Transient Room Tax enacted by this chapter.

Use

Revenues generated by the transient room tax shall be deposited in the City’s general fund and may be used for any general fund purpose.

Exemptions

No Transient Room Tax shall be imposed under this chapter upon any person:

- (1) Engaged in business solely for religious, charitable or other types of strictly nonprofit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah; or
- (2) Engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.

Penalties and Interest

Penalties and interest equal to those authorized by Utah Code Annotated 59-1-401 and 59-1-402 (as amended), or its successor, shall be imposed on any person who:

- (1) Is required to pay the tax under this part; and
- (2) Does not remit the tax to the collecting agent within the time prescribed by law.

Section 2: SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 3: PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

Section 4: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 5: EFFECTIVE DATE:

The City Council of Panguitch City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this _____ day of
_____, 2019

PANGUITCH CITY:

By: _____
TRUDI OWENS, Mayor Pro-tem

ATTEST:

TYRISSA HOWELL
Clerk



PANGUITCH CITY BUSINESS LICENSE APPLICATION

A Change of Pace

25 South 200 East, PO Box 75, Panguitch Utah 84759,
Phone: 435-676-8585, Fax: 435-676-2758, Email tyrissa.panguitchcity@gmail.com

Date: June 25, 2019

Calendar Year: 2019

Name of Business Exploration Station DBA: Exploration Station
Type of Business Preschool / Early Childhood Learning
Business Address 150 W. 100 S. City Panguitch State UT Zip 84759
Mailing Address Po Box 472 City Panguitch State UT Zip 84759
State Sales Tax # _____ Contractor License # _____
Business Email 1 Business Phone # (435)
Name of Business Owner (if partnership, list all partners; if corporation, list principal officers)
Holly Frandsen
Address 150 W. 100 S. City Panguitch State UT Zip 84759
Phone # (435) Email Address _____
Name of Manager Holly Frandsen Manager Phone# (435)

LICENSE FEES (Circle all that apply to your business)

General Fee -	\$25.00
Home Occupation (one time only fee)	\$25.00
Beer Permit -	\$50.00
Vendor Permit -	
Up to 30 days -	\$20.00
Yearly -	\$25.00

Total amount due - \$ \$50.00

NEW APPLICATIONS - This is an application for a business license; the actual license will be issued only when the completed application is received, reviewed and approved by the city council. All information must be accurately completed or the issuance of the license will be delayed. Issuance of the license shall in no way relieve the applicable zoning, health, building and fire regulations. All state and Federal regulations must be complied with.

RENEWAL APPLICATIONS - Renewal forms are sent out the first of every year. If you did not receive one please contact Tyrissa at the Panguitch City Office. **Late Fee** - \$10.00 (If paid after February first of each said year.)

HOME OCCUPATIONS - Home occupations require a conditional use permit. This includes ALL vacation rentals.

I, We, Holly Frandsen hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business, and understand that it is unlawful to make any false statement, declaration, or report as required in this application.

Date June 27, 2019 Signed by Holly Frandsen

FOR OFFICIAL USE ONLY

Approved _____ License # _____ Receipt # _____ Total Paid \$ _____



PO Box 75 Panguitch, UT 84759 435-676-8585 Fax 435-676-2758 panguitchcity@gmail.com

In accordance with the Panguitch Zoning Ordinance, individuals desiring to have a conditional use permit, or a home occupation permit, or a variance.

It is necessary for all neighbors **within 300 feet in all directions** to be made aware of this type of request.

NAME: Holly Frandsen Date 6-25-2019

Is making application to have Exploration Station Preschool

Located at 150 W. 100 S.

It is not necessary that you approve; it is important that you sign this statement indicating that you are aware of the proposed request.

Signatures:

Comments if any:

Jean Frandsen (905.200W)
Jean Frandsen 705 200W
Tracy Houston 40 S. 1st west
Louise Holman
K. Holman
Shirley Cooper
Vivine Brown
Shirley D. O'Brien

PENDING BUSINESS

July 9, 2019

- Bike path up Lake Road
- Cameron Motel/other blight and abatement
- Panguitch City Springs rehabilitation
- Roads

Donations

City Council Donations – July 2017 – June 2018

4/2017	Patchway Parkway Byway	1500.00
6/2017	Panguitch Homecoming	2000.00
5/2017	24 th Dinner (Fire Department)	2653.96
7/2017	Junior Livestock Show	2000.00
9/2017	Panguitch Fishing Derby	2000.00
10/2017	Shooting Range	200.00
10/2017	Christmas in the Country	500.00
10/2017	Sub for Santa	300.00
12/2017	Eagle Scout Project-Parker Brinkerhoff	331.10
2/2018	3 on 3 BB tournament	1000.00
2/2018	Easter Egg Hunt	300.00
2/2018	Program Ads Girls & Boys State BB	200.00
2/2018	Mid Utah Radio Basketball ads	300.00
2/2018	Sportscast Region & State BB	400.00
3/2018	Bryce Canyon Half	250.00
3/2018	Panguitch Elementary	200.00
4/2018	FCCLA Nationals	1500.00
4/2018	Little League Baseball	600.00
5/2018	flower pots	165.00
5/2018	Garfield Memorial Foundation Dinner	500.00
6/2018	TARS Nationals	600.00
Total		\$17,500.06

City Council Donations – July 2018 – June 2019

3/2018	Patchway Parkway Byway	1500.00
7/2018	Panguitch Homecoming	2000.00
7/2018	Junior Livestock Show	2000.00
9/2018	Eagle Scout Project – Nathaniel Sarles	
10/2018	Eagle Scout Project – Klyn Fullmer	481.00
11/2018	Sub for Santa	500.00
11/2018	Christmas in the Country	300.00
2/2019	Bryce Canyon Half & 5K	250.00
2/2019	Mid Utah Radio Basketball ads	300.00
2/2019	Sportscast Region & State BB	400.00
3/2019	PHS Wrestling	225.00
3/2019	Easter Egg Hunt	400.00
4/2019	FCCLA Nationals	600.00
4/2019	FBLA Nationals	300.00
5/2019	Garfield Memorial Foundation Dinner	500.00
6/2019	Lions Club Fridge	1200.00
6/2019	Horse Shoe Pits	1500.00

Total

\$17,500.06

Total

\$12,456.00

City Council Donations – July 2019 – June 2020

4/2019	Patchway Parkway Byway	1500.00
5/2019	Junior Livestock Show	2000.00