

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
AUGUST 12, 2010

7:00 PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting.
Tom Peterson, Boyd Malan, Karen Cronin, Bill Walker, Marci Satterthwaite

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Mike Jones, Chief of Police
Greg Braegger, Parks Superintendent
Paul Nelson, Public Works Director
Jeff Hollingsworth, WWTP Lead Operator

OTHERS PRESENT: Alyssa Braegger, Jon Rackham, Jim Mackley, Valerie Neslen, Mike Schramm, Quinn Defriez, Laura Defriez, Ann Packer, Cindy Cisney, Daniel Nelson, Lorin Gardner (JUB Engineering), Louise Daniels, Nancy Moyle, Ed Macauley (Division of Water Quality), Beth Wondimu (Division of Water Quality), Leah Ann Lamb (Division of Water Quality), Ben Miller, Maria Bauer, Darren Bauer, Stephen Bailey, Rebecca Evans, Gerald Evans, Steven Pettingill, Tyson Knudsen (Sunrise Engineering), Tim M. Kelley, Lani Braithwaite, Walt Baker (Division of Water Quality)

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Mayor Nelson offered the invocation.

B. PLEDGE OF ALLEGIANCE

Duncan Murray led the audience in the Pledge of Allegiance.

ITEM 2: NEW BUSINESS LICENSES, MINUTES, PROCEDURAL ISSUES, AND APPOINTMENTS

A. CONFLICT OF INTEREST DECLARATION

No conflicts of interest.

B. APPROVAL OF MINUTES FOR:

1. JULY 22, 2010 REGULAR CITY COUNCIL MEETING MINUTES:

Council Member Malan requested under 'Others Present', the name Kaden Flampton is changed to Kaden Frampton. He also requested under Item 9A the name Grant Slayer be changed to Brent Slater.

MOTION: Council Member Malan moved to approve the minutes for the July 22, 2010 regular City Council Meeting. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Abstain Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 4 Yes, 1 Abstain.

C. NEW BUSINESS LICENSE(S)

1. **PRIDE CLEANING SERVICES:** Mayor Nelson explained this is a professional service, cleaning residential homes. He stated there would not be any visiting clientele

MOTION: Council Member Peterson moved to approve the business license for Pride Cleaning Services. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

D. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)

Susan Obray passed out the warrants.

E. APPOINT PLANNING COMMISSION AND/OR OTHER BOARD/COMMITTEE MEMBERS

None.

F. PRESENTATION BY BETH WONDIMU FROM THE UTAH DIVISION OF WATER QUALITY OF A RECOGNITION PLAQUE TO THE MAYOR AND COUNCIL FOR THEIR EFFORTS IN THE COMPLETION OF THE CONSTRUCTION OF THE PERRY/WILLARD WASTEWATER TREATMENT PLANT

Ed Macauley presented a plaque to the City for their outstanding efforts in support of Utah's Clean Water program through its joint construction of a wastewater treatment plant with Willard City. The plaque was signed by Governor Herbert, Amanda Smith (Director of Environmental Quality), and Walt Baker (Director of Division of Water Quality).

Walt Baker, Director of Division of Water Quality asked for a few moments to explain why the plant is unable to be used at this time. Mayor Nelson granted his request. Mr. Baker reviewed the city's current lagoon system. He advised the lagoons were designed to be a total containment facility; after floodwaters rose the wastewater began to seep from the dikes. At that time Perry City applied for a discharge permit and was granted the permit. The discharge goes into the wild life management area. Mr. Baker explained at the completion of the new wastewater system the city was in need of a new discharge permit and the State was prepared to grant the permit. Public Notice was published stating that the wastewater would discharge through a channel into the Great Salt Lake. He said the State received some appeals and comments back on this discharge. One comment was from U.S. Fish and Wildlife saying they are concerned about the wildlife and wanted to ensure that the State had done diligence in protecting the wetlands. The other comment received was from the Western Region Advocates and they petitioned to reclassify all waters in Willard Bay as Category 1 waters where no discharge would be allowed and if this

could not happen, they wanted the Water Quality Board to change the classification from what it had been, 5C & 5E, which the Great Salt Lake is classified as, to the classification used by the Bird Refuge. He explained the concern is whether or not the discharge will damage the wetlands. This is unknown, so the State is conducting a study to research this. They will study the nutrients in the discharge, which include Nitrogen and Phosphorous and see if they will be problematic to wetlands. If they find that the wetlands can tolerate the discharge the permit will be issued near the end of October. If the answer is no, they will need to look at alternatives to mitigate the discharge to the wetlands. These alternatives may be to channel the discharge elsewhere so that it stays off the wetlands or additional treatments to protect the wetlands. Mr. Baker said they will do a field investigation August 24th and invited the City to have a representative there. Mr. Baker said a payment is due in April and the bond council has agreed to provide relief if the city is not financially prepared to make this payment.

Council Member Peterson questioned who is appealing this and asked if it was the Sierra Club. Walt Baker advised it is a number of different organizations concerned with the resource. He said every discharge permit to the Great Salt Lake is being appealed. He believes when they get to a point to grant this permit it will also be appealed to a judge.

Council Member Malan said when they began this process they got comments that the water was too clean and now they are getting comments that there are too many nutrients. Walt Baker said this is true; those who harvest brine shrimp want the nutrients to sustain the brine shrimp.

Council Member Walker asked why we don't change the channeling of the water. Walt Baker said that is an option that is still a concept and is being investigated. Council Member Malan questioned if this would include purchasing additional easements. Mr. Baker said it could.

Paul Nelson, Director of Public Works, asked in a worst-case scenario, how long the current lagoon system will continue to be used. Walt Baker advised they could issue a permit by October, but if appealed it could be longer.

G. PRESENTATION TO GREG BRAEGGER, CITY PARK SUPERINTENDENT, OF AN AWARD OF MERIT RECOGNIZING EXTRAORDINARY WORK REGARDING THE NEW SOCCER PARK

Mayor Nelson presented a certificate of merit to Greg Braegger, Park Superintendent, for his work on the new soccer park.

ITEM 3: PUBLIC COMMENTS AND PUBLIC HEARINGS

A. PUBLIC HEARINGS

1. A PETITION BY CINDY CISNEY AND OTHER PERRY CITY RESIDENTS TO ADD FLUORIDE INTO THE MUNICIPAL CULINARY WATER SYSTEM (WITH INITIAL DISCUSSION BY THE COUNCIL AT THE AUGUST 26TH MEETING)

Mayor Nelson said the city is being petitioned to put fluoride into the city water. He advised this will benefit the children of Perry and that is the only group it would benefit. He said there are multiple ways of getting fluoride to the children, mouthwash, tablets, and putting into the water system. He said we need to keep in mind that there is not one centralized well that Perry gets its water and one is a spring.

He said the city would need to simultaneously treat each of the sources. He said this will require funding and as you think about this, please provide your ideas on funding sources to support this. Mayor Nelson asked the Council for comments and to open the public hearing.

MOTION: Council Member Cronin made a motion to open the public hearing on adding Fluoride to the water system. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

Cindy Cisney addressed the council. She stated she began the petition to put fluoride in the water, which had 84 signatures. 82 signers were in favor and 2 were against putting the fluoride in the water. She said she asked 14 dentists in town if they felt fluoride should be placed in the city water and asked if kids received two treatments from a dentist, is fluoride still important. She said every dentist she spoke to said yes to both questions. She said she has a statement from the president of the Box Elder Dental Society, he said we all know that brushing and flossing is important and that in Box Elder County they see many patients with many dental concerns and decay, children top the list. The statement said children in Brigham City have fewer problems than those in cities who do not have fluoride in the water. Ms. Cisney read comments from the Surgeon General, stating that U.S. Center of Disease Control and Prevention recognizes the fluoridation of the water as one of the top ten great public health achievements of the 20th Century. It also stated that economic studies have determined that every \$1 invested in fluoride saves \$38 or more in treatment costs. Ms. Cisney addressed the costs stating in studies it shows that in a community the size of Perry the cost would be \$3.00 per person per year. She said this is not a huge expense, she said this will cost the city money, but the benefit to the community outweighs the expense. She said that this does benefit children more, but also benefits the adults as well. She provided copies of her information to the Mayor and Council.

Tim Kelley addressed the council. He said to be careful where fluoride is concerned. He said there are three most common types of fluoride are calcium fluoride, sodium fluoride and hydrofluoric salicylic acid. He said it is known that sodium fluoride is a poison and that hydrofluoric salicylic acid is also a highly toxic substance. He suggested they do research prior to making their decision to place fluoride in the water.

Daniel Nelson made comment. He agreed that sodium fluoride is a poison, but so is water. If too much is ingested of either it will kill you. He said there is already fluoride in the water to a certain percentage and all they are wanting is an adjustment to the amount of water. He said that many sodas and bottled water has fluoride. He said if it is decided to put fluoride in the water he would suggest .7 parts per million. He said it is true that fluoride does benefit children most, but there is a 27% care routine reduction in adults that live in communities with water fluoridation.

Nancy Moyle stated she is against putting fluoride in the water because it takes away her personal choice to not give fluoride to her family. She said it is more expensive for her to have to purchase bottled water without fluoride to her family then it is for families to purchase fluoride tablets for their families.

Louise Daniels said she is also against fluoride in the water. She said her son did a project on this and after long-term exposure it can be harmful.

Quinn Defrieze said he is strongly against fluoride. He said it takes away freedom of choice. He said there have been numerous studies on the negative affects of fluoride.

Rebecca Evans said she agrees with Nancy Moyle, Louise Daniels and Quinn Defrieze.

Mike Schramm said he is opposed to fluoride in the water. He feels it benefits a minority and not the majority of our community.

Jerry Evans stated he is against fluoridating the water. He said the cost can be tremendous due to safety equipment, and equipment at each well. He said it is a benefit for children 6-9 years old and there are other options for those children. It is topical chemical not systemic and should not be ingested.

Steve Bailey said he is strongly against adding fluoride to the drinking water. He said the problem is that as Americans we eat too many sweets. He said it takes away his freedom.

Ben Miller said he is strongly against the addition of sodium fluoride in the water.

Maria Bauer stated she is opposed to having fluoride in the water. She felt it is a personal choice and there are other opportunities to provide fluoride to children.

Valerie Neslen said she is opposed to fluoridating the water. She said as a mom it is her job to make sure her children get what they need.

Darren Bauer stated he is opposed to addition to any fluoride substance to the water system.

Laura Defriez said she is opposed to fluoride in the water and feels it is a matter of choice.

MOTION: Council Member Cronin made a motion to close the public hearing on adding fluoride to the water system and open the public hearing on the adjustment of rates charged to residents for solid waste and wastewater services. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

2. AN ADJUSTMENT OF RATES CHARGED TO RESIDENTS FOR SOLID WASTE (GARBAGE) AND WASTEWATER (SANITARY SEWER) SERVICES, TRANSFERRING \$3.50/MONTH PER DWELLING FROM GARBAGE TO SEWER, WITH NO INCREASE OR DECREASE ON THE TOTAL MONTHLY UTILITY BILL

Mayor Nelson said due to the downfall of the economy and the some problems at the plant we need a little more money to go into the sewer and less money to go into the garbage. He said this public hearing is to discuss adjusting the rates to cover sewer and once the time comes when we have more growth in the city we can move the monies back to garbage. He said this will be reviewed on an annual basis.

Cindy Cisney said she is fine with the adjustment of rates.

Jerry Evans stated he thinks it is a wise decision.

Nancy Moyle asked if this would cause garbage to go in the hole. Mayor Nelson said garbage would be fine because rates have decreased due to fuel prices going down.

Darin Bauer said he was in favor of the rate change.

Mike Schramm stated he was in favor.

Nancy Moyle stated she is in favor and is thrilled to know that her Council is looking to save her money.

Steve Bailey said he agrees with the change.

Quinn Defriez stated he agrees with the change and requested that if there is ever a time when a rate is no longer needed to give the tax payers their money back and not shift it over to other things.

Ann Packer said she agrees with the change in rates.

MOTION: Council Member Malan made a motion to close the public hearing return to the regular meeting. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

B. PUBLIC COMMENTS

Mayor Nelson opened the meeting for public comments.

Jim Mackley addressed the council. He said he works for Sentinel News and advised if the Council ever wants to submit an article to be published in the paper or make comment in the paper to let them know. Council Member Peterson said he could post the Centennial Events in the paper.

Steve Bailey said he is concerned about the increased crime at the Mountain View Park. He asked about the status of a new streetlight at the park. Council Member Malan said it will cost a little over \$2,000 to put a light there and the council is reviewing other options. Duncan Murray advised that in the next few months the city will look at these options and either choose to install a light themselves, go with an outside contractor or go with Rocky Mountain Power. He said the city is committed to providing the light. Mr. Bailey requested the police that patrol the area get out of their car and patrol the park on foot.

ITEM 4: FINANCIAL AND TECHNOLOGY ISSUES

**A. INITIAL DISCUSSION REGARDING ADJUSTMENT OF GARBAGE AND SEWER RATES
(A RESOLUTION WILL BE CONSIDERED AT THE AUGUST 26TH MEETING)**

Council Member Peterson said he wanted to clarify that the extra \$3.50 is due a negotiated savings from the garbage services and that would have gone back to the people had we not needed additional funds in the Sewer area.

Council Member Malan said he appreciates our form of government, because we are residents and suffer the same burdens as the other citizens.

Council Member Cronin said if the city gets more growth the rate will go down. Mayor Nelson said yes it should.

B. FINANCIAL APPEAL FROM JOHN REESE REGARDING RESOLUTION OF LAND ISSUES

Mayor Nelson said there has been a letter presented to the Council outlining the City’s stance on the financial appeal made by Mr. Hall. The council needs to make a motion to approve the letter or not.

Mayor Nelson said there is another letter with the City’s stance on the financial appeal made by Mr. Wells. He said the Council will need to make a motion on that letter as well.

Mayor Nelson the city has already paid professionals to take care of these issues and there is not a lot the city can do.

MOTION: Council Member Walker made a motion recognizing that a letter is being sent to John Reese to address the resolution on is land issue with the cities stance on the issue. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

C. APPROVAL OF WARRANTS

Council Member Cronin questioned the new police car from Ken Garff and asked if a decision has been made as to whether the car will be painted black and white or be all black with decals. Council Member Walker said it was already approved to go with the new design of all black. Council Member Peterson said he does not believe a decision has been made. Mayor Nelson said there was discussion, but there was no final decision. Council Member Satterthwaite said the first black car was approved and this was the new trend. Mayor Nelson said he does not believe there was a motion on it and there was for black and white, so if we are going against black and white there needs to be a motion to change this. Council Member Walker made a suggestion to have the Chief of Police come to a meeting and present his case and why he wants to change the design. Duncan Murray said he will put this on the next agenda.

Council Member Malan asked if the \$10,000 is the fire services for Brigham City. Duncan Murray said yes.

Council Member Cronin questioned what Dust Busters is. Council Member Satterthwaite said it is a chemical placed on the road.

Council Member Malan questioned why there is an additional \$2,600 paid for sod. Duncan Murray said we paid some extra funds to remove rocks missed by Clyde Companies. Council Member Malan asked how long this took. Paul Nelson said it took from 10:00am to 6:00pm.

MOTION: Council Member Satterthwaite moved to approve the warrants. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

D. REPORTS AND/OR CHANGE ORDERS REGARDING THE WASTEWATER FACILITY

Steve Pettingill said we have a complete plant. There are some software issues should be resolved tomorrow, touch ups have been complete and the landscape plan will be reviewed in the next board meeting, next Wednesday. He said the plant could begin processing sewage, but is awaiting a discharge permit. Council Member Malan asked if the discharge must be rerouted has the state agreed to pay for the additional costs. Mr. Pettingill said we are still waiting to see what our options are and will be discussed at a later date. Tyson Knudsen said he has budgeted for some additional easement costs if this needs to be rerouted.

E. SPINDLER CONSTRUCTION IS REQUESTING A SUBSTANTIAL COMPLETION APPROVAL ON THE PERRY/WILLARD WASTEWATER TREATMENT PLANT

Tyson Knudsen said he would like to put the substantial completion letter on hold for a few weeks. He said it begins the warranty process and the concern is that the plant is not yet in operation. Tyson said he will work with Mike Spindler and see if this can be based on when the permit is granted. He requested this be moved to the next meeting.

MOTION: Council Member Cronin moved to table the request to consider the substantial completion approval for Spindler Construction on the Wastewater Treatment Plant. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

F. RESOLUTION 10-16 ADOPTING FINAL TAX RATE

MOTION: Council Member Malan moved to approve Resolution 10-16 Adopting a Final Tax Rate. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING THE JULY 1, 2010 AND JULY 15, 2010 PLANNING COMMISSION MEETING

Council Member Peterson said the Planning Commission is struggling with attendance and something needs to be done about this. They are making decisions with three people. Mayor Nelson asked help from the Council to find good people to be on the Planning Commission.

ITEM 6: PUBLIC UTILITIES, STREETS, AND MUNICIPAL SERVICES

A. INITIAL DISCUSSION REGARDING FLOOD DAMAGE PREVENTION ORDINANCE 10-N

Duncan Murray advised we reviewed this last meeting. He said we are not changing our flood map significantly. He said this ordinance updates everything needed to allow us to keep national flood insurance. Duncan said two things to consider is whether the city wants to keep the standard to have the bottom floor of a home two feet above flood level or do we want to not allow any building in these areas. He said we have until September 17th to pass this and he feels this is a land use issue. He recommended taking this to the Planning Commission to review on September 2nd.

MOTION: Council Member Malan moved to table the Ordinance 10-N and send this to the Planning Commission for review and comments. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 7: PERSONNEL ISSUE

A. JOINT RESOLUTION 10-14, APPROVING A CITY ADMINISTRATOR CONTRACT

MOTION: Council Member Cronin moved to close the public meeting and open an Executive Session to discuss the character or fitness of a person. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

The regular meeting closed at approximately 9:15pm.

MOTION: Council Member Peterson moved to close the Executive Session and reopen the regular meeting. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

The regular meeting resumed at approximately 10:00pm.

MOTION: Council Member Cronin made a motion to extend the regular meeting for an additional 15 minutes. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes
Council Member Cronin, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Malan, Yes
Council Member Satterthwaite, Yes

MOTION: Council Member Cronin moved to table Joint Resolution 10-14, approving a City Administrator contract until a few details of the negotiations can be ironed out, the contract will be retroactive as of July 1, 2010. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes
Council Member Cronin, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Malan, Yes
Council Member Satterthwaite, Yes

ITEM8: CITY COUNCIL & MAYOR REPORTS

A. BOYD MALAN: Council Member Malan said in reference to flood control, he and Duncan went to the County Commission meeting and requested money to clean up the Mathias Canyon structure. The County approved up to \$5,000 for the clean up. He said he will get bids from three contractors. He asked Duncan if they needed to get on their next agenda. Duncan said yes and the Council will review the structure for the new Flood Control Committee and future board. He said once all details are worked out we will have public hearings and will get the Flood Control moved back to city control.

B. MARCI SATTERTHWAITE: None.

C. KAREN CRONIN: None.

D. BILL WALKER: Council Member Walker said 2000 South is complete.

E. TOM PETERSEN: Council Member Peterson said there is a new member on the Centennial Committee, Mardi Obray (owner of The Peak). She has offered The Peak up free of charge to be used for the health fair that will take place in January. He said Nola Young has come up with 12 historical sites for the tour and this will be placed in the newsletter. Orson Boyce received \$100 from Sportsman Warehouse and \$50 from Maverik for the Dutch oven cook-off so there will not be an entry fee for the event and there will be cash prizes.

F. MAYOR NELSON: Mayor Nelson said a ribbon cutting will be held at the Wastewater Treatment Plant and is tentatively set for September 18th.

G. ITEMS FOR NEXT CITY NEWSLETTER:

- No items suggested

ITEM 9: UPCOMING MEETINGS AND ADJOURNMENT (AUGUST 26, 2010 7:00 PM, FOR THE NEXT REGULAR CITY COUNCIL MEETING)

A. MOTION TO ADJOURN

MOTION: Council Member Peterson moved to dismiss. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes
Council Member Cronin, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Malan, Yes
Council Member Satterthwaite, Yes

The meeting adjourned at 10:06p.m.

Susan O Bray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder