

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
FEBRUARY 24, 2011

7:00 PM

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

OFFICIALS EXCUSED: Tom Peterson, Marci Satterthwaite

CITY STAFF PRESENT: Duncan Murray, City Administrator
Shanna Johnson, Chief Deputy Recorder
Dale Weese, Interim Chief of Police
Jamison Zito, Detective
Mike Colvin, Detective
Scott Hancey, Patrol Officer

OTHERS PRESENT: Lani Braithwaite, Dean Bunderson, Bruce Howard, Bryce Gulbranson, Hayden Gulbranson, Trent Peterson, Jacoby Bryce, Steve Pettingill, Tyson Knudsen (Sunrise Engineering)

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Malan offered the invocation.

B. PLEDGE OF ALLEGIANCE

A Boy Scout led the audience in the Pledge of Allegiance.

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

A. CONFLICT OF INTEREST DECLARATION

No conflicts of interest.

B. NEW BUSINESS LICENSE(S)

None.

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

Shanna Johnson passed out the warrants.

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

None.

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS

Mayor Nelson opened the meeting for public comments.

Bruce Howard: Mr. Howard asked what Perry City intends to do about trespassing on his property with an illegal water line on 3450 South. He said there is no right of way and no payment for a right away, he asked that Council to consider what they are going to do to address this.

ITEM 4: RECOGNITION AND INTRODUCTION OF PERRY CITY POLICE OFFICERS

Dale Weese, Sergeant and Interim Chief of Police, introduced the full-time police staff to the Council Members (Jamison Zito, Mike Colvin, and newest member Scott Hancey). He advised the part-time officers on staff are Cody Herbert, Rusty Bingham, and Mike Kinghorn and the Reserve Officers are Jeff Pyle and newly hired Kimberly Smith. The Council thanked the officers for their hard work.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING FEBRUARY 3, 2011 PLANNING COMMISSION MEETING

Council Member Malan asked Planning Commissioner Steve Pettingill to review what took place in the meeting. Steve said in the meeting they reviewed Canyon Gate Subdivision No. 5 and the new road 1500 South. He said the Planning Commission was concerned that this is a road to nowhere and said in the future complete plans of the development should be required before it is presented to the Planning Commission.

B. CANYON GATE SUBDIVISION NO. 5, FINAL PLAT REVIEW (NORTHEAST CORNER OF COMMERCE WAY AND 1500 SOUTH STREET, PART OF PARCEL NO. 03-154-0108)

Duncan Murray reviewed the Canyon Gate 5 Final Plat with the Council. He said it includes Lot 1 and a new road, 1500 South, which will connect into Commerce Way and will eventually become a 4-way intersection. Duncan said the west side of 1500 South will be 66 feet wide and will taper down to 60 feet to the east. He said this is consistent with the Master Plan and explained there is not a current need at this time for a 100-foot road. Duncan said part of the final recommendation for approval from the Planning Commission was the condition that before the Final Plat is recorded Shirlene Peck will remove her temporary building from Lot 1 or she will need to apply and pay for a building permit for her new building. Duncan said 1500 South was part of how the City was able to get approval from the landowner for the construction of 1200 South. He said the biggest concern the Planning Commission had was they would like to see 1500 South extended all the way through to Highway 89. He said the road would currently dead end at Lot 2 of the development, owned by the LDS Church. He explained the LDS Church owns land further to the South and an option is that in the future a road, 1550 or 1600 South, will extend to 450 West. Shirlene Peck said 1500 South will only access Lot 1 & 2, which was a condition of the LDS Church who owns the land. Council Member Cronin stated 1500 South seems more like a driveway. Mayor Nelson asked why a road is being installed when the business just needs a driveway. Shirlene Peck said installing this road is the trade off that was made with the landowner in order to extend 1200 South to Commerce way. Shirlene said this was brought up to the Planning Commission. Steve Pettingill said this was not discussed with the Planning Commission. Mayor Nelson said the Planning Commission has approved this plat and sent this to the Council for review. Mayor Nelson asked if the plans were available for Lot 2. Shirlene said she does not yet have the plans from the property owner. Mayor Nelson asked what 1500 South would be used for, and if it would be for public use. Shirlene said she has been told it would be used for a public drop off area. Council Member Malan questioned how the City would remove snow on the partial road. Duncan stated it has a hammerhead turn around. Mayor Nelson asked if the road would be closed off at any time. Shirlene said no permanent structure can be placed there, but they will close the road sometimes at night. Shirlene requested the Council allow Duncan Murray to review the real estate agreement and requirements for removal of her temporary building, which would allow her building to remain on the property until the new owner begins construction of the new business being placed there. Council Member Cronin asked what amount of time this agreement would allow the building to remain on the property. Shirlene said it could be 6 months or longer. Shirlene stated the developer is also requesting that the City's secondary water requirements be deferred until secondary water is available in the area.

MOTION: Council Member Cronin made a motion to approve the Canyon Gate Subdivision No. 5 final plat review with the condition that the temporary building be removed at the new owners request, as early

Council Member Walker questioned why the Sunrise Engineering warrants are back for approval, stating the documentation provided did not explain to him the work completed. Tyson Knudsen said this is for work completed on operation and maintenance manuals, post construction management, and administrative work from October through December. He said post construction includes work on site, working with the contractor, attending weekly meetings, and putting together pay applications. He explained all invoices have been pre-disbursed into Perry City's escrow accounts. Tyson advised the manuals took months to prepare, and included 7 sets of submittal binders and GIS discs. Mayor Nelson stated the Council wanted to make sure of what they were paying for and make sure they are within budget. Tyson said these services are part of the engineering contract and budget, which has a not to exceed amount. Council Member Cronin questioned what the not to exceed amount is. Tyson advised he was not sure of the exact amount, but it is approximately \$25,000. Council Member Cronin questioned who reviews the bills to ensure that they do not exceed budget. Shanna Johnson stated she reviews the bills submitted and Sunrise Engineering has not exceeded any contract amounts. Duncan Murray said the State also reviews this before funds are disbursed. Mayor Nelson asked Wastewater Board Chairman Steve Pettingill if he was okay with the approval of the warrants presented. Steve said yes because they are post construction items, he said if it was construction money he would not recommend approving the warrants. Council Member Walker expressed concern with unresolved construction issues at the plant. Duncan Murray stated that if the issues are construction related the most legally defensible way of addressing the issues is to hold construction funds, not by denying post construction items and recommended approving the warrants presented. Council Member Walker said he thought the billing for the manuals was too high. Tyson advised it is a requirement of the State of Utah that all documents in the manuals be signed off by a professional engineer and the manuals include multiple sections beyond vendor data, they also include information for handling emergency spills, hygiene plans, introduction, and overlay of the plant.

MOTION: Council Member Cronin made a motion to approve the warrants for Sunrise Engineering totaling \$8,064.68 for post construction services not to exceed \$25,000. Council Member Malan seconded the motion.

ROLL CALL: Council Member Malan, Yes Council Member Cronin, Yes
 Council Member Walker, No
Motion Failed. 2 Yes, 1 No.

Council Member Walker stated he would like to change his vote.

MOTION: Council Member Cronin made a motion to reconsider the motion to approve the Sunrise Engineering Warrants in the amount of \$8,064.68 for post construction services not to exceed \$25,000. Council Member Malan seconded the motion.

ROLL CALL: Council Member Malan, Yes Council Member Cronin, Yes
 Council Member Walker, Yes
Motion Approved. 3 Yes, 0 No.

MOTION: Council Member Cronin made a motion to approve the warrants for Sunrise Engineering totaling \$8,064.68 for post construction services not to exceed \$25,000. Council Member Malan seconded the motion.

ROLL CALL: Council Member Malan, Yes Council Member Cronin, Yes
 Council Member Walker, Yes
Motion Approved. 3 Yes, 0 No.

C. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY

Steve Pettingill reported the State has issued the discharge permit. He said the permit includes some time sensitive items that Sunrise Engineering has elected to help facilitate. He said he has been working with

Jeff Hollingsworth in the review of the permit. He said the State Division of Water Quality, EPA and Health Department have all signed off on the document supporting the treatment plant as long as the guidelines listed in the permit are followed. Steve said the plant is in pretty good shape; they are currently reviewing the electrical work on the IFAS system and reworking this so that Jeff can access the data from his human interface system. Council Member Cronin asked when we can begin operating the plant. Steve said the permit allows operation on March 1st. Tyson Knudsen said the State has asked that we hold off a week so the State can finish getting a base line sample for phosphorus testing. Steve said he has been asked about a grand opening and he said Willard would like to do this between the 1st and the 15th of May. He said that he will get with both Mayors to organize this. Steve advised they are already processing sewage for residents in Willard that are part of a hardship agreement with the State. He said the effluent is pumped into an approved State detention pond. Council Member Walker questioned if issues with the discharge ditch had been resolved. Steve said yes and Duncan delivered a copy of the discharge permit to Mr. Well's attorney. Duncan stated we will still need to reseed the area. Duncan asked that we provide Mr. Wells an estimated volume of effluent will flow in the discharge ditch. Steve reported that Theron Williams has been loaned to the Perry-Willard Wastewater Treatment plant from the Davis County Treatment Facilities to help with some testing at the plant. This testing will help prove and solidify Perry and Willard stance that the Wastewater Treatment plant is not harming the environment. Steve reported that \$1.5 million has been secured in escrow for the Perry-Willard Wastewater Treatment plants use if it is established over the next 4 years that additional treatment is needed. Steve said the State has given us until June 1st to construct a pad to receive Alum, which will treat effluent, during the State's testing period. He said this will be a great expense and the State will cover all costs. Mayor Nelson said a standalone building will need to be constructed at the plant to house the new Vac Truck. The truck needs to be stored indoors so that the lines do not freeze. He said the city has received some additional funding from the State and this will be used to cover the cost the building. Mayor said Willard has collected 3 bids from outside contractors to construct the bay:

1. \$43,850.00
2. \$38,300.00
3. \$41,500.00

Tyson said he would like to review the bids to ensure the proposed plans are engineered correctly. Tyson said that the bids could possibly change if the specs change. Council Member Cronin asked where the funds for the building are coming from. Shanna said we have received a grant from the State to cover operations while awaiting a discharge permit and our interest payment for this year has been waived so the fund will have available revenues collected to cover the cost of the building. Tyson said pending how the contract with Spindler Construction closes out, there could be remaining funds left over for ditch work and there may be funds remaining from the Johansen Construction contract. He said the State has approved any remaining funds not spent on the contracts, to be used on the construction of this additional building.

MOTION: Council Member Walker made a motion to approve Willard City securing a contract to construct a building to house the Vac Truck at the Wastewater Treatment Plant not to exceed \$55,000 and in agreement with Willard City and the current 61/39% ownership split. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Malan, Yes

Council Member Cronin, Yes

Council Member Walker, Yes

Motion Approved. 3 Yes, 0 No.

20 years for Ogden City prior to working for Perry City. Duncan Murray said his experience far surpasses the previous Sergeant's. He advised there is an additional interim Chief assignment and Interim pay increase up for Council approval as well.

MOTION: Council Member Walker made a motion to approve Dale Weese to be made permanent Sergeant with a wage \$17.87 per hour and a temporary pay increase to \$18.50 per hour be given for up to 90 days during Dale Weese's Interim Chief assignment. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Malan, Yes Council Member Cronin, Yes
 Council Member Walker, Yes
Motion Approved. 3 Yes, 0 No.

C. ORDINANCE 11-E, PERSONNEL POLICY AMENDMENT PROHIBITING THE ACCRUAL OF VACATION AND SICK TIME DURING FMLA LEAVE

Duncan Murray advised this ordinance will eliminate the accrual of vacation and sick leave when an employee is on FMLA. Council Member Cronin questioned if this will also address accrual of sick leave when not on FMLA. Shanna said no, if someone uses sick or vacation time they would still accrue leave. Duncan Murray advised that when an individual is on an Administrative leave they are also not accruing leave, but that is not written in the policy. Council Member Cronin requested this same policy be looked at for any unpaid leave. Duncan Murray said he would look at the policy and address this in a separate Ordinance.

MOTION: Council Member Cronin made a motion to approve Ordinance 11-E, Personnel Policy Amendment Prohibiting the Accrual of Vacation and Sick Time during FMLA Leave. Council Member Malan seconded the motion.

ROLL CALL: Council Member Malan, Yes Council Member Cronin, Yes
 Council Member Walker, Yes
Motion Approved. 3 Yes, 0 No.

ITEM 8: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. FEBRUARY 10, 2011 REGULAR MEETING MINUTES

Council Member Malan said Page 1, Line 42 & 43, regarding Teeter Totter Academy, currently reads, "She explained for 2-3 year olds you can only have 1 helper to 8 children, for 4-5 year olds you can only have 1 helper to 12 children." Council Member Malan requested this be changed to read, "you must have a minimum of 1 helper".

Council Member Cronin requested the following corrections be made:

- Page 2, line 27: She requested we clarify the plant as the Wastewater Treatment Plant.
- Page 3, Line 30: She requested the word finish be changed to finished.
- Page 5, Line 16&17: She requested that a verb be added to the sentence.
- Page 7, Line 10: She requested George Humber be changed to George Humbert.
- Page 7, Line 20: She requested "be population" be changed to "by population".

MOTION: Council Member Cronin made a motion to approve the meeting minutes for February 10, 2011 as amended. Council Member Walker seconded the motion

ROLL CALL: Council Member Malan, Yes Council Member Cronin, Yes
 Council Member Walker, Yes
Motion Approved. 3 Yes, 0 No.

B. BOYD MALAN: Council Member Malan asked Duncan Murray the status with Flood Control. Duncan advised a week ago Wednesday he met with the County Commission in reference to flood

control. He said they approved the Resolution recommending what the City would like for the Perry City Flood Control Board detailing the board's structure and selection. He said they also reviewed and approved a bid prepared by Paul Nelson and Shanna Johnson for work to be completed by City staff at the Cherry Ridge detention ditch and pond in the amount of \$4,500, to be reimbursed from Flood Control funds. Duncan said there will be a couple of final notices and a final action to take place and then the Flood Control will be managed by Perry City. Council Member Malan advised Clyde Companies is still willing to help with parking lots at the Soccer Park. Shanna Johnson advised Clyde Companies will meet with the Soccer Park Committee on Wednesday to review the plans.

C. MARCI SATTERTHWAITE: Absent.

D. KAREN CRONIN: Council Member Cronin stated she needs a head nod from the Council to move forward with the Economic Alliance. She said there will not be any cost to the City this budget year, but next budget year it may cost approximately \$2,000. All elected officials present were in support of moving forward with the Economic Alliance. Council Member Cronin requested some money be included in the Fourth of July budget for a Centennial Parade float. She presented a picture as an idea for the monument at the Centennial Soccer Park. The picture showed a rock with the major milestones of the City grit blasted into the rock. Council Member Cronin requested the pothole on 1200 West be filled with something until it can be fixed.

E. BILL WALKER: Council Member Walker stated that the T-Shirt budget listed on the Fourth of July Budget would not be enough. Shanna Johnson advised that it was decided that too much was spent last year and so she went off the budget spent two years ago. Council Member Walker advised he wants to have a special T-Shirt because it is the Centennial. Shanna said this can be increased, but the Fourth of July budget will need to be decreased elsewhere. Council Member Walker advised he is working with Paul on Streets; there is a lot to be done and no money. He said they will create a priority list and each project will move up the list each year. Council Member Walker stated the police received a \$2,500 grant from the NRA for the gun range.

F. TOM PETERSON: Absent.

G. MAYOR NELSON: Mayor Nelson said he enjoyed the Sweet Hearts Ball and said the Jazz band was really good. He advised the Council needs to start thinking about annual awards. Council Member Malan asked if this is limited to Perry Residents. He said he is thinking of Ralph Nelson (recently deceased). Mayor Nelson said he will be giving a Mayor's Award to Ralph Nelson. Council Member Walker recommended Maurice Roche for the Community Award. Mayor Nelson said if anyone thinks of any one-time awards, because of this being a Centennial year, to let him know.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- None.

ITEM 9: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON February 24, 2011)

A. MOTION TO ADJOURN

MOTION: Council Member Cronin made a motion to adjourn. Council Member Malan seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

The meeting adjourned at 10:00 PM.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder