

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
JANUARY 13, 2011

7:00 PM

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

OFFICIALS ABSENT: Marci Satterthwaite

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Paul Nelson, Public Works Director
Dale Weese, Interim Police Sergeant

OTHERS PRESENT: Lorin Gardner (JUB Engineering), Jennifer Francis, Kyle Francis, Stephen Francis, Martin Hinckley, Dylon Johnson, Jared Barton, Clint Nelson, Lani Braithwaite, Boyd Montgomery

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Cronin offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Malan led 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)

The Council reviewed the following business licenses:

1. RJH Photography: Duncan Murray advised there would be no visiting clientele at the business.
2. The Bread People: Duncan Murray stated there would be no visiting clientele at the business. Council Member Malan questioned if they would be required to have a State Permit. Mr. Murray said yes. Council member Cronin questioned if they would be required to have a State License as well. Mr. Murray said yes. Susan Obray advised that the owner had a business license with the City before. Mayor Nelson requested the State License number be obtained from him. Council Member Cronin asked procedurally if we need to get this information prior to approval of the business license. Mr. Murray advised normally we would get this information prior to approving, but this business has had a license in the past.
3. Jared Burton Authorized Franchise for Snap-On Tool

4. Sherry Grenko-Music Lessons: Mr. Murray explained the business teaches piano lessons.
MOTION: Council Member Malan moved to approve the business licenses presented, but requested the City staff follow up with The Bread People to ensure that all State permits and licensing is obtained by business. Council Member Peterson seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

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

Susan Obray passed out the warrants.

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

Mayor Nelson presented Cory Benion to be reappointed as the Perry City Representative to the Box Elder County Mosquito Abatement District.

MOTION: Council Member Cronin made a motion to reappoint Cory Benion as the Perry City Representative to the Box Elder County Mosquito Abatement District. Council Member Malan seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

E. RECOGNIZE MARTIN HINCKLEY'S SERVICE ON THE PLANNING COMMISSION

Mayor Nelson and the City Council thanked Martin Hinckley for his years of service on the Planning Commission.

F. PRESENTATION BY PAUL NELSON REGARDING DRINKING WATER SOURCE PROTECTION PLAN

Public Works Director Paul Nelson reported in 1994 the EPA instituted that all communities must implement a protection plan for their water sources. He said Perry City has 6 sources and every 5 years the city reviews the source protection plan to ensure it is updated with all sources and that the City is following the plan. He said all sources were reviewed and the plan was updated last year. Mr. Nelson advised there is only one source that is at risk of contamination due to a new subdivision being placed near the source. This is the East Bench well this will need to be protected and notification will be sent to residents living near the well that they must limit their use of fertilizers and/or chemicals that might contaminate the well. He stated the City will need to send to the state a copy of this meeting's agenda so they know that the elected officials have talked about the source protection plan. He advised a copy of the full report is available in the City office if anyone would like to review it. Council Member Malan questioned how the City monitors fertilizer use in the area. Mr. Nelson advised a nitrate sample is taken and would show if there is an over use of fertilizer. He said the plan was submitted to the State in December and he is unsure if the plan had been reviewed. He advised it is possible the City may get additional feedback on the plan once the State reviews it.

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC HEARING REGARDING ORDINANCE 11-A AND RESOLUTION 11-1 (TO RECODIFY THE PERRY MUNICIPAL CODE TO INCLUDE ALL AMENDMENTS, ADDITIONS, AND CHANGES IN PERRY CITY’S ORDINANCES AND RESOLUTIONS SINCE THE LAST CODIFICATION)

Mayor Nelson advised this is a process the City tries to go through annually to update the Ordinance and Resolutions and combine them into one document. He said that the Perry Municipal Code is available on a disc and can be purchased at the City office.

MOTION: Council Member Cronin moved to close the regular meeting and open a public hearing regarding Ordinance 11-A and Resolution 11-1 (to recodify the Perry Municipal Code to include all amendments, additions, and changes in the Perry City Ordinances and Resolutions since the last codification). Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

No comments.

MOTION: Council Member Cronin moved to close the public hearing regarding Ordinance 11-A and Resolution 11-1. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

B. PUBLIC HEARING REGARDING ORDINANCE 11-B (ADOPTING POLICIES REGARDING THE DISPOSAL OF CITY PROPERTY

(See discussion and motions below)

C. PUBLIC HEARING REGARDING A PROPOSAL TO SELL PARCELS OF CITY-OWNED REAL PROPERTY IN THE CITY CENTER SUBDIVISION (BETWEEN 900 WEST AND LINDA WAY AT 2250 SOUTH STREET)

Duncan Murray advised Item 3B & 3C are being reviewed by the Council in order to gain approval to allow the City to sell the real property owned by Perry City in the City Center Subdivision. He presented a plan of the development and advised the City would sell the property undeveloped with no improvements. Council Member Cronin asked if the developer buying the development would be responsible to put in the road. Duncan Murray said yes. Council Member Malan questioned if the City would attempt to sell the property only as presented. Mayor Nelson said yes.

MOTION: Council Member Malan moved to open a public hearing regarding Agenda Item 3B – Ordinance 11-B (adopting policies regarding the disposal of City property) and Agenda Item 3C – regarding a proposal to sell parcels of City owned real property in the City Center Subdivision (between 900 West and Linda Way at 2250 South Street). Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

Clint Nelson: Mr. Nelson advised the city wants to develop this area in order to get the road and the sewer line installed in the area. He said the City needs a more realistic way to sell property. The bid process is too complicated. He said the potential buyer of this land develops great neighborhoods and he has no reservations with selling the property to them.

MOTION: Council Member Cronin moved to close the public hearing and reopen the regular meeting. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

D. PUBLIC COMMENTS

Mayor Nelson opened the meeting for public comments.

Boyd Montgomery: Mr. Montgomery thanked the Council for granting his financial appeal and extension on his Utility Bill. He said he is currently fighting with the US Army Corps of Engineers. He said they are going after control of ground water. He said he has been given tentative permission to fill in a portion of the lot he purchased on 1200 West and he is requesting additional permission. He stated when he is granted permission to fill in more of his property he would like to get any excess dirt the City may have.

Steve Francis: Mr. Francis stated he is a member of law enforcement in this County and it pains him to see the troubles the City has had with the Police Department for the last 5 years. He expressed concern with the money spent to hire and replace Police Chiefs over the years. He said he hopes the Council is reviewing the hiring process in an effort to avoid hiring people with these issues in the future and to avoid any future discredit to a fine Police Department.

Mayor Nelson thanked the audience for their feedback and closed the public comments.

ITEM 4: LAND USE ISSUES

A. DISCUSSION REGARDING THE JANUARY 6, 2011 PLANNING COMMISSION MEETING

Council Member Peterson said he attended the meeting; the two items reviewed were the Codification of Perry Municipal Code and reverting the Thurgood property previously changed to 1/3 acre back to 1/2 acre. He said there was a full board present and that was refreshing.

B. ORDINANCE 11-A AND RESOLUTION 11-1 TO RECODIFY THE PERRY CITY MUNICIPAL CODE

Duncan Murray reviewed the Municipal Code with the Council. He advised two new volumes have been added, one volume is the Perry Police Code and the other volume is the Wastewater Capital Facilities Plan.

MOTION: Council Member Peterson made a motion to approve Ordinance 11-A and Resolution 11-1 to recodify the Perry City Municipal Code. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

reclamation and the discharge ditch. Council Member Cronin asked about the leaking vault. Tyson advised it has been established this is ground water. He said they tried to correct this with epoxy, but the vault is not watertight at this date. He said the recommendation is a permanent sump pump, he stated Willard City is comfortable with this option. Duncan Murray referred to page two of the draft permit, which talks about the final discharge water and how it will be protected as if they were classified under certain classifications and questioned if this posed any difficulties to the City. Tyson said no, the classifications listed do not carry any numerical standards that the plant is not already meeting.

C. ORDINANCE 11-B TO ADOPT POLICIES REGARDING THE DISPOSAL OF CITY PROPERTY (IN THE CITY CENTER SUBDIVISION)

Duncan Murray stated that Ordinance 11-B is not yet ready for full approval and recommended this be tabled until the next meeting.

Approx. 8:41pm.

MOTION: Council Member Cronin made a motion to table Ordinance 11-B regarding the disposal of City property. Council Member Malan seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

D. CONSIDER A MOTION TO ALLOW FOR THE SALE OF CITY OWNED REAL PROPERTY

Mayor Nelson said this is a motion of intent and recommended moving forward with the motion.

MOTION: Council Member Cronin made a motion to allow for the sale of City owned real property (City Center Subdivision, located at approximately 900 West and Linda Way). Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

E. RESOLUTION 11-2 TO ALLOW FOR SEWAGE DISPOSAL AT THE SEWER LAGOONS AND TO ADOPT A FEE THEREFOR

Duncan Murray advised this has been in front of the Council for approval before and it was not approved. This is being brought up again because Willard City has new homes that are not yet hooked up to the Sewer system, do not have a septic tanks and need an interim option until connection to the system can be made. They also have residents that are looking at abandoning their septic tanks and need a location to empty sewage. Council Member Peterson asked if this would be done through a contractor. Mr. Murray said yes. Council Member Peterson asked what Brigham City currently charges. Council Member Walker said nothing. Mr. Murray stated Central Weber Sewer has people come to their chemical treatment sight to dispose of sewage and they charge \$25.00 per 1,000 gallons. He said the City is not looking to make money from this so the proposed fee is \$25.00 per load, which could be 2,000 – 3,000 gallons. Mr. Murray said this would be subject to State and Federal law and if it is not allowed would not occur. Mayor Nelson questioned when this would be phased out. Mr. Murray said no time limit has been set as of yet. Council Member Walker recommended 90 days after the plant is running. Paul Nelson

recommended allowing this for a year after the plant is operating. Council Member Malan recommended limiting this to Perry and Willard City. Council Member Walker expressed concern with charging a fee. Mr. Murray advised this is just to cover Perry City's cost. Mr. Murray recommended amending the Ordinance adding the language "limited to sewage removed from locations within Perry and Willard City limits through (a date to be identified by the Council)"

MOTION: Council Member Walker made a motion to approve Resolution 11-2 to allow for sewage disposal at the sewer lagoons and to adopt a fee of \$25.00 per load, limiting this to Perry and Willard residents in their City limits through January 1, 2012. Council Member Peterson seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

ITEM 6: PUBLIC SAFETY ISSUES

A. NONE

ITEM 7:

A. EXECUTIVE SESSION

MOTION: Council Member Cronin made a motion to close the regular meeting and go to an Executive Session to discuss the fitness of an individual. Council Member Peterson seconded the motion

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

Motion Approved. 4 Yes, 0 No.

Regular Meeting closed at approximately 8:42pm.

MOTION: Council Member Peterson made a motion to close the Executive Session and open the public meeting. Council Member Walker seconded the motion

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

Motion Approved. 4 Yes, 0 No.

Regular Meeting resumed at approximately 9:45pm.

ITEM 8: PERSONNEL ISSUE

A. APPROVE PAY RATE FOR FULL-TIME POLICE OFFICER(S)

Duncan Murray advised this is to set a pay rate for a newly hired full-time patrol officer. He advised part-time officers are hired at \$14.64 per hour and the recommended wage for a full-time officer is \$15.00 per hour.

B. APPROVE PAY RATE FOR POLICE SERGEANT

Mayor Nelson recommended the Sergeant Position stay as an interim position at this time, but the wage is increased from \$17.00 to \$17.87 per hour due to addition duties being assigned.

MOTION: Council Member Cronin made a motion to approve the pay rate for an Interim Sergeant of \$17.87 per hour and to approve the pay rate for a full-time Patrol Officer of \$15.00 per hour as recommended. Council Member Malan seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

ITEM 9: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. DECEMBER 9, 2010 REGULAR MEETING MINUTES

Council Member Cronin made a correction to page 7, line item 38. She said the minutes read “Duncan Murray reviewed explained...,” she said only one of the words should be used. Duncan Murray recommended using explained. Council Member Cronin stated she has some minor changes she will get to Shanna Johnson.

MOTION: Council Member Malan made a motion to accept the December 9, 2010 Regular Meeting minutes. Council Member Cronin seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

B. BOYD MALAN: None.

C. MARCI SATTERTHWAITE: Absent.

D. KAREN CRONIN: None.

E. BILL WALKER: Council Member Walker commended the Public Works department for the good work they have been doing with snow removal.

F. TOM PETERSON: None.

G. MAYOR NELSON: None.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- No items suggested.

ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (COUNCIL BUDGET RETREAT ON SATURDAY, JANUARY 15 AND NEXT REGULAR MEETING ON JANUARY 27, 2011)

A. MOTION TO ADJOURN

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

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

Motion Approved. 4 Yes, 0 No.

The meeting adjourned at 9:56 PM.

Susan O'Bray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder