

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
JANUARY 27, 2011

7:05 PM

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

OFFICIALS EXCUSED: Bill Walker

CITY STAFF PRESENT: Duncan Murray, City Administrator
Shanna Johnson, Chief Deputy Recorder
Paul Nelson, Public Works Director
Rusty Bingham, Police Officer

OTHERS PRESENT: Jay Newman, Devin Smith, Bryan Smith, Lynette Smith, Dillon Smith, Lee Perry (House Representative), Brandon C. Hansen, Bentley C. Hansen, Lani Braithwaite, Tyson Knudsen (Sunrise Engineering)

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)

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.

E. PRESENT CHRISTMAS LIGHT AWARD TO SHAWN SMITH AND QUENTIN ALLDREDGE

Mayor Nelson presented a certificate and a \$25.00 check to Lynette Smith (wife of Shawn Smith) for First Prize in the 2010 City Holiday Light Contest. Quentin Alldredge was not present.

Council Member Cronin said she asked Lee Perry to come to the Council Meeting because he sponsored Perry City getting recognized by the Senate and House of Representatives for the City's 100th year. Representative Perry said he is proud to be a citizen of Perry City. He said he has received the monthly newsletters detailing our Centennial Events and thought the City should be recognized so a simple Citation was written to honor and congratulate the City for 100 years. Representative Perry read the Citation that was presented in yesterday's legislative session (see copy attached). Mayor Nelson thanked Lee Perry for his efforts to recognize the City.

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS

Mayor Nelson opened the meeting for public comments.

Jay Newman: Mr. Newman wanted to commend the public works department for the great work they have been doing with snow removal this year. He also wanted to commend the Police and the First Responders. He said there was an incident by his home and they did a good job responding to it.

ITEM 4: LAND USE ISSUES

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

No Comments.

B. ORDINANCE 11-C, A GENERAL PLAN MAP AND ZONING MAP AMENDMENT, INITIATED BY PERRY CITY, TO REVERT BACK FROM 1/3 ACRE (NO ANIMAL RIGHTS) ON BOTH MAPS TO ½ (HALF ACRE WITH, ANIMAL RIGHTS) ON BOTH MAPS REGARDING THE "BILLINGS PROPERTY", LOCATED NORTH OF 3000 SOUTH AND WEST OF HIGHWAY 89 (PARCEL NUMBER 02-029-0016, 02-029-0063/02-029-0105 AND 02-029-0076)

Duncan Murray said this has been reviewed in past meetings and stated the Planning Commission recommended this being approved at their last meeting.

MOTION: Council Member Cronin made a motion to approve Ordinance 11-C to revert back from 1/3 acre on both maps to ½ acre with animal rights on both maps the "Billings Property", located north of 3000 South and West of Highway 89. Council Member Peterson seconded the motion.

Council Member Malan asked if the Ordinance was written. Duncan Murray said yes, it was in the last council packet.

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

Motion Approved. 4 Yes, 0 No.

ITEM 5: FINANCIAL, PUBLIC UTILITIES AND TECHNOLOGY ISSUES

A. FINANCIAL APPEAL BY BRANDON HANSEN REGARDING UTILITY FEES AND REPAIRS

Mr. Hansen stated a few months ago he received a large utility bill, with a \$300 overage. He said as he researched this he found that a hydrant next to his meter was drizzling water, he contacted a plumber to get this corrected. Mr. Hansen said when the plumber was trying to tighten this, the hydrant busted out of the ground and water started bubbling up. He said the plumber got his backhoe and started to dig. He

- General Fund 22%: \$345,280.02
- Utility Fund 52%: \$323,061.68
- Sewer Fund 40%: \$331,126.06
- Utility Fund-Non Operations 21%: \$42,154.30

Shanna advised that although the General Fund revenues look low, they were only 14% collected at this time last Fiscal Year (FY2010). She said the Sewer fund is showing a little low, but Willard has not made all reimbursement payments, spending is down and the State has awarded the City 1-year free of interest so this will help the Sewer Fund.

Shanna reviewed the Expenditures for each fund as follows:

- General Fund 45.7%: \$730,407.29
- Utility Fund 42.2%: \$264,246.38
- Sewer Fund 21.6%: \$179,316.14

Shanna advised the departments are doing well with spending.

Shanna advised Sales Tax revenues are down due to the State passing House Bill 206, which takes indirect sales tax and gives this back to the point of origination (or where produced), instead of the point of sale. She said the City is down \$30,000 in sales tax revenue and \$25,000 of this is from the loss of indirect sales tax. Shanna stated this is affecting many cities. She reported in the mini retreat the Council reviewed this and the fact that the City will need to make some budget cuts. Shanna stated that the city is 12.4% down in sales tax and if that trend continues the city will see an \$87,000 loss in sales tax. She reported that January sales tax numbers were better than previous months, being only down by 1%; that changes the projected loss to 10.4% or \$73,000.

Council Member Peterson said in their Centennial Committee Meeting they discussed applying for the Box Elder Tourism Grant and the fact the 80% of the money collected from Tourism tax is being given to the Box Elder County Fair. He said that this is collected from restaurants in the area and he would think that Maddox is the largest contributor to this. He recommended sending a letter to the County Commissioners expressing our concern with this and requesting a financial disclosure detailing the tourism funds. Duncan said he would work on a draft letter. Shanna advised that the grant application is due on February 26th and she is working to get this completed and in by this date. Council Member Peterson stated we should request more than \$1000 due to this being our Centennial Year. Shanna said we list our budget for our event and they decide on what to award based off this budget. Council Member Peterson reported the Centennial Committee is even thinking about doing fire works this year. Council Member Cronin said there is a fire works vendor that will put on fire works displays in small towns to test them for use in larger events free of charge. She recommended looking into contacting this vendor. Council Member Peterson said Scott Nelson had some contacts. Paul Nelson said his brother Scott Nelson had worked with a vendor to do fireworks at the high school during Utah's Centennial, it was small show and inexpensive.

Shanna Johnson reviewed the impact fee report sent to the State with the City's Financial Statement. She said it details what funds are available and where the city plans to use them over the next five years. Shanna said when they look at spending impact fees they review this report as well as the Capital Facilities plans. She said they have applied for grants from the State through ARRA funding and did not receive this, but they did recently receive a letter from the State Division of Water Quality advising that

they have funds and recommending the City submit an application for funding. Shanna said she contacted Cindy Gooch of JUB Engineering regarding this. Cindy said this funding would come in the form of a bond and she recommended not applying for this, but to continue to submit Grant Form 593 to the Senate requesting for grant funds. She said this will keep the City on the list and eventually grant money would be awarded. Shanna advised the City did just pay off of \$150,000 water bond and the City could look at applying for additional bonding, or they could save money and use this with grant funds in the future. Shanna advised the City is always looking for funding and will continue in this effort. Duncan Murray advised some impact fees are being used to secure water rights at the Nielson Well. He said we have also claimed rights to the water coming out of the Sewer plant. Duncan reported the City teamed up with Brigham City to apply for a public safety-building grant and we are waiting to hear whether or not this will be awarded. Shanna reported that the Police Department received a JAG grant in the amount of \$7,500 that will help with paying for a new RMS reporting system replacing the old system Spillman. She said they just submitted a request to amend the grant to also cover some equipment and training. She said the Police also received \$3000 in liquor funds to help with DUI control, which is \$400 more than the previous year.

ITEM 6: PUBLIC SAFETY ISSUES

A. NONE

ITEM 7: PERSONNEL ISSUE

A. NONE

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

Mayor Nelson stated he would like to go through Council & Mayor Reports, and then an Executive Session would be needed.

A. APPROVAL OF MINUTES FOR:

1. JANUARY 13, 2011 REGULAR MEETING MINUTES

Council Member Cronin made a correction to page 4, line 3. She said there is an extra “y” in the word property. She said on page 5, line 44; there needs to be an “s” on the word calls.

MOTION: Council Member Cronin made a motion to accept the January 13, 2011 Regular Meeting minutes. Council Member Peterson seconded the motion.

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

Motion Approved. 3 Yes, 1 Abstain.

B. BOYD MALAN: Council Member Malan said the City needs to get working on Flood Control because Paul Nelson predicts a heavy run off this year. He said it would be nice if the County can turn this over to the City. He said he got approval from the County to go ahead with cleaning the Maddox Lane ditch. He said he will work on getting the Cherry Ridge ditch cleaned. Duncan said he would get with Council Member Malan and County Commissioner Tingey to complete this process.

C. MARCI SATTERTHWAITE: Council Member Satterthwaite they are making her nervous about the Fourth of July. Council Member Peterson recommended starting to solicit now for help for the event. Council Member Satterthwaite said she needs to get through the Easter Egg Hunt and then would start. Mayor Nelson said there are a lot of people requesting a 40 and older softball game on the Fourth of July. Paul Nelson said that this has been done before and he was okay with doing this

Regular Meeting closed at approximately 8:40pm.

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

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

Motion Approved. 4 Yes, 0 No.

Regular Meeting resumed at approximately 8:57pm.

ITEM 9: TRAINING (REGARDING PMC TITLE 80 AND RULES OF PROCEDURE)

Duncan Murray reviewed the rules detailed in Title 80. Council Member Malan questioned if we are requiring citizens to have council member sponsorship in order to be placed on the agenda. Duncan Murray said yes. Council Member Malan said he does not feel it is necessary. Council Member Satterthwaite said she thinks it makes many feel that they have an advocate. Duncan Murray advised this helps to ensure that they have information ready to be shared and reviewed by the Council. Council Member Malan said the Title details that City employees can't represent an item. Duncan advised what this is intended to mean is that an employee cannot act as a representative for someone else. Mayor Nelson said that an employee can come and represent him or herself. Duncan said he could look at wording this differently. Mayor said he felt it is worded correctly because it states the employee cannot act as a representative for an applicant.

ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON February 10, 2011, INCLUDING THE MAYOR'S STATE OF THE CITY REPORT)

A. MOTION TO ADJOURN

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

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

Motion Approved. 4 Yes, 0 No.

The meeting adjourned at 9:10 PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder