

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
JULY 14, 2011

7:00 PM

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

OFFICIALS EXCUSED: Bill Walker

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder

OTHERS PRESENT: Lani Braithwaite, Suresh Kulkarni, Sharmilla Felix, Diane Kulkarni, Jacob Defriez, Darrien Hoyle, Ryan Bateman, Jim Mackley, Janet Hoyle; Mike Jensen

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Mayor Nelson offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Satterthwaite 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 LICENSES

None.

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

Susan Obray passed out the warrants.

D. REPORT AND/OR ACTION REGARDING UPCOMING MUNICIPAL ELECTIONS

Susan Obray reported that 5 candidates filed for the upcoming elections.

- Boyd Montgomery
- Don Higley
- Peter Gerlach
- Todd Christensen
- Jana Nelson

She advised that because there were less than 7 candidates, there will not be a primary election. Susan stated the General Election will take place on November 8th and early voting will take place a couple weeks prior to that.

ITEM 3: PRESENTATION OF CENTENNIAL CELEBRATION PHOTOGRAPHS (AND EXPRESSION OF APPRECIATION FOR WORK BY CITY COUNCIL MEMBERS, CITY EMPLOYEES AND VOLUNTEERS)

Mayor Nelson said he has been contacted by citizens who have stated this year’s 4th of July celebration was the best ever. He stated this is because of the hard work from the City Council members, staff and volunteers. He showed a slide show of pictures featuring the Centennial Events that took place throughout this year and the recent 4th of July celebration. Mayor Nelson thanked everyone who helped with the events.

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC HEARING REGARDING ORDINANCE 11-M REGARDING THE PAY OF CERTAIN STATUTORY CITY OFFICERS

Duncan Murray stated annually the City is required to approve the pay rates for statutory city officers. These positions are the City Administrator, Police Chief, City Recorder, and City Treasurer. He reviewed pay rates for the below positions:

- City Administrator/Attorney (Duncan Murray) - \$38.62 per hour
- Police Chief (Dale Weese) - \$18.74 per hour, includes \$0.63 hourly for interim pay
- City Recorder (Susan Obray) - \$19.59 per hour
- City Treasurer (Jolene Eddington) - \$16.11 per hour

Duncan explained a \$0.24 pay increase is included for the Police Chief and City Recorder positions. A \$0.12 increase is included for the City Treasurer and the City Administrator/Attorney requested no increase.

MOTION: Council Member Cronin made a motion to open the public hearing for Ordinance 11-M regarding The Pay of Certain Statutory City Officers. 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.

No comments made by public.

MOTION: Council Member Cronin made a motion to close the public hearing for Ordinance 11-M. 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.

B. PUBLIC COMMENTS

No public comments were made.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING JULY 7, 2011 PLANNING COMMISSION MEETING

Duncan Murray advised that the commission reviewed trees on the highway, which will be discussed on the next two agenda items. He advised other items from the Planning Commission meeting will come to the Council at a later time.

APPROX. 7:40 PM

B. APPLICATION BY MOORE’S FAMILY RESTAURANT TO REMOVE CITY-OWNED TREES IN THE HIGHWAY 89 PARK STRIP IN FRONT OF 2645 SOUTH HWY 89

Mayor Nelson advised the trees at Moore’s Restaurant have already been removed. The owner’s son-in-law removed these without knowing that this had not yet been officially approved. Council Member Cronin explained that the Park Superintendent, Greg Braegger, said if it is decided that trees should be in front of the Moore’s Restaurant, the owner would be required to replant trees at their expense, so the City should act as if trees are still there. Council Member Peterson said the reason the trees were removed was because a member of the Council authorized the business to remove the trees. Council Member Cronin said someone supposedly authorized this, but unless the entire Council approved this, it is not authorized. Duncan Murray said the law calls this is apparent authority (when someone appears to have authority, but does not, but it may count legally as if the person had authority) . Council Member Peterson said he went and looked at the trees, he believes they were a problem and blocked visibility of the business. He stated that if they were still at the business he would have voted to remove them. Council Member Malan said he thinks the trees were planted too close to each other. He said his opinion is that Moore’s needs a few trees to soften the look of the building and would be in favor of replanting some trees in front of the business. Council Member Cronin said she spoke with Greg Braegger about the trees; he said the trees were to beautify the center of town and to him this is a beautification issue. She said she agreed with Boyd and would like something other than concrete and brick in order to beautify the center of town. Mayor Nelson said the city was contacted long ago by Tree City USA and asked to place trees thru the center of town and as the city developed all the way north. He said discussions took place deciding what should be put on highway 89; he said business did not want flower baskets or trees, but did want lighting. He said lighting was too expensive, so they went with an integral sidewalk. Council Member Cronin said this also required those businesses to have 15% of the site landscaped. Mayor Nelson agreed, but thought this landscaping should be left up to the business. Mayor Nelson said the City has an ordinance giving the businesses a way to have trees removed and if they request this, he believes they should be allowed to do so, but this should be regulated by the City. He said he wants to see the trees remain in front of the residential homes and have landscaping for businesses behind the mow strip. Council Member Satterthwaite asked if the business would be required to replace the trees elsewhere in the City. The Mayor said yes or they would be required to pay money for future trees to be planted.

MOTION: Council Member Cronin made a motion to allow Moore’s Family Restaurant to remove the trees in the park strip in front of their location as long as they submit a plan and install landscaping on 15% of their property (as per city ordinance), with as much landscaping as possible in the frontage of the property. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, No
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
Motion Approved. 3 Yes, 1 No.

C. APPLICATION BY PERRY DENTAL TO REMOVE CITY-OWNED TREES IN THE HIGHWAY 89 PARK STRIP IN FRONT OF 2535 SOUTH HWY 89

Council Member Satterthwaite asked if the business is taking out the trees in the park strip only or trees elsewhere on the site as well. Dr. Bateman said they would be removing a tree blocking the sign, but would be replacing this with a lower growing plant. Council Member Cronin said her understanding is that the business wanted the trees removed because the business thought it blocked the ability for people to see where the business is, but when she looked at this business, she did not find that this was the case. She said she also interviewed many residents to see if they had any issues in finding the location, they said that they were aware of where the business was and did not feel the trees were blocking the location. She said she talked with the city Forester and he stated that they have trimmed the trees, giving more visibility to the business. She advised based on the comments from the citizens, the Forester, and her own observations, she does not feel that the trees need to be removed. Council Member Malan said he did not feel that the trees blocked the visibility of the building and he would like to follow the recommendation of the Forester and not remove the trees in front of the business. Council Member Peterson agreed with the Council Member Cronin and Malan that the building and sign were visible and did not recommend the removal of the trees. Mayor Nelson said that visibility to most is not the same as visibility for a business,

if you were to ask Wahlen Dental or Maddox if they would support trees in front of their business, they would not want them. He said we need to support our local businesses and if they want trees removed, the city should allow them to. He said the city is allowing one business to remove trees and should allow at least some of the trees to be removed at this location. Council Member Cronin stated the business built their office there knowing the trees were there. Council Member Satterthwaite argued that Moore's bought their business knowing the trees were located in front of their business as well. The Mayor agreed. Council Member Satterthwaite asked if they were allowed to remove the trees, would they be required to plant trees elsewhere. Mayor Nelson said yes. Duncan Murray advised this is because they are requesting city-owned trees to be removed from city-owned property. Council Member Cronin advised while talking to the citizens they said they liked the trees there because it tones down the sign. Mayor Nelson said he knows that some do not like the sign, but knows of many others who do like the sign. Council Member Satterthwaite asked how many trees the business wants removed. Dr. Bateman explained they would like to remove 5 trees, and they plan to put more landscaping in an area by the parking lot, in the front of the building. Council Member Malan asked if the City is setting precedence to remove trees along the highway. Council Member Peterson did not think that precedence has been set. Mayor Nelson felt the city has set precedence by allowing trees to be removed in front of Moore's Restaurant and by not requiring other businesses along the highway in the north of town to have trees in the park strip. Duncan Murray advised he felt the city had full discretion, as long as all legal requirements are met, because the City owns the trees. Council Member Peterson asked if the Planning Commission made a recommendation on trees. Duncan Murray said not on this particular application. Mayor Nelson said they will be working on a new ordinance for trees in general. Council Member Cronin stated the Economic Development Committee did not feel there was a safety issue and thinks the business is visible. Council Member Satterthwaite felt that by mandating trees the city may not be being business friendly.

MOTION: Council Member Malan made a motion to deny the request to remove trees in front of Perry Dental. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, No
Motion Approved. 3 Yes, 1 No.

APPROX. 7:33 PM

D. AMEND SITE PLAN (SIGN APPROVAL) FOR THE BEEHIVE HOMES ASSISTED LIVING FACILITY LOCATED AT 1550 SOUTH HWY 89 (BOB THURGOOD, APPLICANT)

Duncan Murray advised that all of the concerns from the City Engineer and Inspector have been resolved. He advised that the Planning Commission has made a recommendation for approval. Duncan stated this has 16 rooms and there is sufficient security to ensure safety for Alzheimer patients. Mike Jensen of Hansen and Associates stated they would also like to install a 6-foot vinyl fence for additional security, with the main entrance being the only entrance to the building outside of the fence. Council Member Cronin asked how far the access is from the highway. Mr. Jensen advised 120 feet.

MOTION: Council Member Malan made a motion to approve the Final Site Plan for Bee Hive Homes Assisted Living Facility. Council Member Cronin 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.

ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. APPROVAL OF WARRANTS

Council Member Peterson asked what the warrant for Brenda Young concrete was. Duncan Murray advised Geneva Rock donated concrete to the Young Family due to the tragic death in their family. The city bid on the concrete and won the bid and plans to use grant money to pay for the concrete. He said the

city has received a \$10,000 grant for a gun range and the city purchased this concrete work that will be installed at the gun range. Council Member Cronin asked if the \$2,775 in targets will be covered by the grant as well. Duncan said yes. Council Member Cronin asked if work is proceeding at the vactor building and if the workmanship was up to par. Steve Pettingill said yes. Council Member Cronin asked if the \$4,200 was included in the not to exceed bid. The Mayor said yes this would be part of the not to exceed \$62,000 amount approved for the building. Duncan said the council could table the warrants until after item 6B or it could approve all warrants except for Sunrise Engineering until after item 6B.

MOTION: Council Member Cronin made a motion to move the approval of warrants to after item 6B. Council Member Malan 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.

APPROX. 8:55 PM

Council Member Malan asked if the GIS training is related to the vactor truck building. Duncan said no this is training for our new GIS system, which is not related to the vactor truck building. Council Member Malan said there was charge for 4 hours of meeting with the City and he does not believe there was a council meeting at this time. Duncan said he thinks it is for the training. Mayor Nelson said he thought this was approved and paid in the past. Council Member Cronin said the training should not be included in the vactor truck building billing. Mayor Nelson said he would like Shanna to be available to see what is left of the contract amount.

MOTION: Council Member Peterson made a motion to approve all warrants except for the Sunrise Engineering invoice. Council Member Malan 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.

APPROX. 8:35 PM

**B. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY,
INCLUDING PAYMENT FOR VAC TRUCK BUILDING**

Steve Pettingill reviewed a report showing the flow coming into the plant. He advised the Perry City tie in that was just made by Johansen construction has caused the plant to exceed 50% capacity and flow was shifted to the clarifiers and will go into the IFAS system as well, the result is that coating repairs will not be able to take place now. Mayor Nelson asked if this can be stopped. Steve said no; he advised there was ample time to complete the work, but the general contractor did not get this complete. Steve stated the flows will be reviewed over the months and hopefully be able to determine what the City's infiltration is. Steve said the infiltration worries him because the percentage of operations costs is based on flow and Perry's infiltration will raise the City's percentage of flow. He advised on March 7th of next year the flows will be reviewed and billing will be adjusted based on flow. Mayor Nelson advised this will cause the City to pay a higher percentage of operation costs. Mayor Nelson asked when Willard will be 100% hooked up. Steve said they hope to have this in November. Mayor Nelson said he does not want rates adjusted based on flow until Willard is fully hooked up. Steve said they would not adjust rates until Willard is fully connected. Steve suggested some work be done on the lines to stop the infiltration. Steve also suggested that the City embrace some growth to help with costs of the bond and operations of the plant. Council Member Cronin stated growth causes expenses to the City, so this will not necessarily help. She suggested business growth. Steve said the hook ups help pay the costs of the plant. He advised the will city take a \$280,000 loss this year and there is only \$800,000 saved, which will be used up within 2 ½ years. He said if we do not have growth we will need to increase the utility bill by \$17-\$20 a month. Duncan Murray said as the City Administrator this is his number one concern. He said this is also a major concern for Shanna Johnson (Finance). Council Member Satterthwaite said she would prefer to see

a rate hike each year instead of a \$20.00 increase all in one year. Steve advised we need to look at what we can do to help this, other than just a rate increase. Steve Pettingill reported that the vector truck building is almost complete, but electrical work still needs to be completed. The workmanship seems to be very good.

C. RESOLUTION 11-17 ADOPTING A CORRECTED FINAL CERTIFIED TAX RATE (REPORT 800)

Mayor Nelson said the state made an error when calculating the certified tax rate, which equates to about \$900.00. Duncan Murray said by approving Resolution 11-17 the council would be approving the corrected certified tax rate.

MOTION: Council Member Cronin made a motion to approve Resolution 11-17 adopting a Corrected Final Certified 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

Motion Approved. 4 Yes, 0 No.

D. RESOLUTION 11-18 ADOPTING FEES FOR USE OF CENTENNIAL SOCCER PARK

Duncan Murray advised the Centennial Soccer Park Committee did a study of rates and met yesterday to review these rates. They are recommending the average of the rates, which would be \$15.00 for games played by high school or comp teams, \$3.00 a head for AYSO for the season, and \$1.00 per hour for practices for any group. He said this is similar to what Brigham City charges. Duncan said some additional rules in reference to payment being made prior to games and insurance being required covering Perry City is also included in the Resolution. He said the City will not guarantee goals, will not mark fields, or provide officials. Duncan advised the Resolution also includes a rate to be charged for use of lights at the baseball field at Perry Park. Council Member Peterson asked who in the city will be in charge of reservations. Council Member Malan stated UYSA will be scheduling there games and field use. Council Member Cronin asked if \$1.00 per hour for practice is enough to cover maintenance. Duncan said it seems to be enough for Brigham City. Council Member Satterthwaite advised this can reviewed and changed later if needed.

MOTION: Council Member Malan made a motion to approve Resolution 11-17 adoption fees for use of the Centennial Soccer Park (and Perry Park). 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.

ITEM 7: PERSONNEL ISSUE

A. SET A CORRECTED PAY RATE FOR A PATROL OFFICER REPLACING A VACANT POSITION

Duncan Murray advised this is correcting a typo made on the last pay rate presented.

MOTION: Council Member Peterson made a motion to approve the corrected pay rate for a patrol officer replacing a vacant position at \$15.00 per hour. Council Member Satterthwaite 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.

B. SET PAY RATE FOR PART-TIME PATROL OFFICERS REPLACING A VACANT POSITION

Duncan Murray advised this will set a blanket pay rate for new part-time officers.

MOTION: Council Member Cronin made a motion to set a pay rate for new part-time officers at \$14.64 starting July 2011 to June 2012. Council Member Peterson seconded the motion.

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

Council Member Malan, Yes
Council Member Satterthwaite, Yes

**C. ORDINANCE 11-M REGARDING PAY RATE OF CERTAIN STATUTORY OFFICERS
(POLICE CHIEF, RECORDER, AND TREASURER)**

MOTION: Council Member Cronin made a motion to approve Ordinance 11-M Approving Pay Rates for Certain Statutory Officers. Council Member Malan seconded the motion.

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

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

A. APPROVAL OF MINUTES FOR:

1. JUNE 23, 2011 RDA MEETING MINUTES
2. JUNE 23, 2011 REGULAR MEETING MINUTES

Council Member Peterson requested item 8F be corrected to read ‘...tickets are now available.’ and stated the word “fourth” is spelled incorrectly.

Council Member Malan requested Codey Deeter be listed as present at the RDA meeting.

MOTION: Council Member Malan made a motion to approve the minutes for the June 23rd RDA and Regular City Council meetings as amended. Council Member Cronin seconded the motion.

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

B. BOYD MALAN: Council Member Malan presented the final proof for the Soccer Park sign. He said this will be completed on Saturday. He reported there is no flooding in the City.

C. MARCI SATTERTHWAITE: none.

D. KAREN CRONIN: none.

E. BILL WALKER: none.

F. TOM PETERSON: Council Member Peterson stated the car show was a great success.

G. MAYOR NELSON: Mayor Nelson thanked Council Member Satterthwaite for her work on the Fourth of July, stating she did a good job.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- None.

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON JULY 28, 2011)

A. MOTION TO ADJOURN

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

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

The meeting adjourned at 10:00 PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder