

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
JULY 22, 2010

7:00 PM

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

OFFICIALS EXCUSED: Mayor Jerry Nelson

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Robin Malan, City Clerk  
Mike Jones, Chief of Police

OTHERS PRESENT: Jay Newman, Jordan Yarger, Boyd Hirschi, Steven Pettingill, Lani Braithwaite,  
Tawnya Parker, Brenda Smith, Kaden Frampton, Jason Green, Harley Williams, Scott Dinsdale, Jennifer  
Dinsdale, Alexi Robinson, Julie Williams, David Williams, Wes Frampton, Jen Sorenson, Andrew  
Johnson, Thom Hall

**ITEM 1: CALL TO ORDER**

Mayor Pro-Tem Peterson called the meeting to order.

**A. INVOCATION**

Council Member Walker offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Council Member Satterthwaite 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 8, 2010 REGULAR CITY COUNCIL MEETING MINUTES:

**MOTION:** Council Member Cronin moved to accept the minutes for the July 8, 2010 regular City Council Meeting. Council Member Malan seconded the motion.

**ROLL CALL:** Mayor Pro-Tem 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. NEW BUSINESS LICENSE(S)**

1. MIKE DOPP 950 WEST 2520 SOUTH/ LAWN GOATS/ LANDSCAPING & LAWN CARE

**MOTION:** Council Member Walker moved to table this item until the business owner can be present to answer some questions about the business. Council Member Malan seconded the motion.

**ROLL CALL:** Mayor Pro-Tem 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. REDBOX 2241 SOUTH HWY. 89 (DVD RENTAL/SALES)

**MOTION:** Council Member Malan moved to approve the business license for Redbox DVD Rental/Sales located at 2241 South Hwy. 89. Council Member Satterthwaite seconded the motion.

**ROLL CALL:** Mayor Pro-Tem 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)**

Robin Malan passed out the warrants.

**E. APPOINT PLANNING COMMISSION AND/OR OTHER BOARD/COMMITTEE MEMBERS, INCLUDING BOYD HIRSCHI (TO BE APPOINTED TO THE FLOOD CONTROL COMMITTEE AND SPECIAL USES AND APPEALS BOARD)**

**MOTION:** Council Member Cronin moved to appoint Boyd Hirschi to both the Perry City Flood Control Committee and the Special Uses and Appeals Board. Council Member Satterthwaite seconded the motion.

**ROLL CALL:** Mayor Pro-Tem 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 3: PUBLIC COMMENTS (NO PUBLIC HEARINGS)**

**A. PUBLIC COMMENTS**

Mayor Pro-Tem Peterson opened the meeting for public comments.

**Thom Hall:** Mr. Hall read the council a written statement he prepared. The letter addressed damages caused from construction of the Perry-Willard Wastewater Treatment Plant. The damages were a result of water discharged from a pump into ditches to facilitate draining so that boring operation could be completed. He stated there have been no attempts to cap the spring and that it continues to flow across the property. He reported that discharges occurred without permission and the discharge has affected the property. Mr. Hall’s letter explained the draining water causes ditches to be blown out due to the high volume being discharged, and it is causing damage to the irrigation system, property and plant life. He asked for their issue to be addressed and that future drainages regarding the Perry-Willard Wastewater Treatment facility do not affect property in control by Mr. Hall, and if it does that they receive compensation for damages that are incurred or are occurring. He said 78.54

acres are affected. Mr. Hall explained if he had been contacted during the pre-planning of the project, pre-cautions could have been taken to avoid damages to the property. He stated he was seeking restitution for damages to restore the irrigation system, pay for damaged grasslands, and loss of seed harvest between the years of 2009-2015 (see attached letter).

**Jay Newman:** Mr. Newman said there is a rumor going around town that the Corps of Engineers has an issue with what has been going on at the Perry-Willard Wastewater Treatment Plant and that there may be a lawsuit of \$25,000,000.

Mr. Newman wanted information about what is going on at Pointe Perry. He said from what he understands a property owner is going through bankruptcy and is putting payments back on Perry City and said the City needs to get a handle on things.

Mr. Newman addressed Utopia and the Utah Infrastructure Agency. He said his understanding of this organization is that they will be able to tax with out a vote and will not have elected board members. Mr. Newman said he does not believe that there can be taxation without representation. He does not believe that joining the agency is a good thing.

**Harley Williams:** Mr. Williams said he would like to build dirt jumps for bicycles and requested dirt and a location to build the jumps. He said he would like to build these and use this as his Eagle Scout project. Mr. Williams said signs would be posted that said 'Ride at Your Own Risk', and said they would keep the area clean.

Mayor Pro-Tem Peterson suggested Mr. Williams come down and approach the city staff with his request. He said there are a few liability issues that sometimes prohibit these types of things, but the City will see what can be done.

**B. NOTICE OF PUBLIC HEARINGS ON AUGUST 12<sup>th</sup> AT 7:15PM (NEXT MEETING)  
REGARDING:**

1. A petition by Cindy Cisney and other Perry City residents to add fluoride into the municipal culinary water system
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.

**ITEM 4: FINANCIAL AND TECHNOLOGY ISSUES**

**A. APPROVAL OF WARRANTS, INCLUDING APPROVAL TO SPEND APPROXIMATELY \$8,300 (IN BUDGET) FOR A "LIFE PACK" FOR THE FIRST RESPONDERS**

Council Member Malan questioned Workman's Comp and how often this is paid. Duncan Murray said he would have Shanna Johnson looked into this.

Council Member Cronin asked if the new Public Works truck was budgeted. Duncan Murray advised this is included in the budget.

Mayor Pro-Tem Peterson questioned the Ron Foster Construction payment; he said this is for the 2000 South road project and asked if this project has been completed. Duncan Murray said it is not completed but the project is well underway.

Council Member Cronin asked if the Sprinklers for the Soccer Park are completely installed, and what the status is on the project. Duncan Murray said sprinklers have been installed and sod has been placed on the lower fields. He explained Clyde Companies is coming the following week to finish grading on the upper field and level the mounds of dirt into a parking lot. The hydro-seed will be sprayed a week or so later.

Council Member Cronin asked if the \$8,300 Life Pack Unit is included in the First Responder budget. Duncan Murray said yes. First Responder's Chief Van Mund advised a Life Pack 12 is an AED (for defibrillating patients), and a 3 lead EKG. He explained that when the First Responders arrive on scene they can use this equipment to get more information on what is happening with a patient. He said in the next year they hope to equip the Life Pack 12 with a \$8,000 piece of equipment that will send this data straight to the hospital, this will let the hospital know if an Angiogram or Stint is needed and cut time for patient service. The current system will also print the reading and that information will go with the patient in the ambulance. Chief Mund said this equipment will also help to get the First Responders to an intermediate quick response status. Council Member Malan questioned if the equipment is available on the ambulance. Chief Mund said yes, but this could be used 3-10 minutes sooner if available to the First Responders. Jon Rackham said he got a new quote for the Life Pack and it will only cost \$4,700.

**MOTION:** Council Member Cronin moved to approve the warrants, including \$4,700 for a Life Pack 12 Unit for the Perry First Responders. Council Member Walker seconded the motion.

**ROLL CALL:** Mayor Pro-Tem Peterson, Yes                      Council Member Malan, Yes  
                         Council Member Cronin, Yes                      Council Member Satterthwaite, Yes  
                         Council Member Walker, Yes

**Motion Approved.** 5 Yes, 0 No.

Mayor Pro-Tem Peterson advised they would be covering Item 4C, then moving back to 4B, in order to the number of people awaiting a decision on Item 4C.

**B. (APPROX. 7:43P.M.) FINANCIAL APPEAL FROM JOHN REESE REGARDING RESOLUTION OF LAND ISSUES**

Mike Hall addressed the council; he presented part of the agreement signed for conveyance of the trunk line that was placed across the properties. Mike Hall said the agreement stated that they would pay for the easement, property damage, and that the property would be restored to the owner's satisfaction and this was separate from the easement. Mayor Pro-Tem Peterson said the data presented in the last meeting was not accurate and asked if Mike and Thom Hall had accurate data that can be left with the City Attorney tonight. He said this will be reviewed when the Mayor is back and that no motion would be made tonight. Duncan Murray said supporting information must be given to the Council for review 7 days prior to a meeting in order for them to review and make action. Thom Hall said that they have this information in a packet and would leave this with the Council. Mike Hall also offered to take the Council Members to the property and let them see what it is that is going on at the property.

**C. (APPROX. 7:30P.M.) FINANCIAL APPEALS REGARDING UTILITY BILLS**

Mayor Pro-Tem Peterson said this issue is in reference to residents who are late on utility bills and their services are pending water disconnection. He said the Council has received many letters requesting them to defer the shutting off of the water. Mayor Pro-Tem Peterson said his suggestion is that when residents have hit 60 days past due and are facing disconnection, they are given the opportunity to write a letter to the Council. If this letter is written the resident would be given 3 months to pay off the water debt fully, if not the water would be disconnected. If the letter is not written, the water would be disconnected. He said he feels this is the compassionate thing to do, and that this should be a policy. Council Member Malan asked if any of the individuals have had their water disconnected. Duncan Murray said no. Council Member Malan thought that what was presented is fine, but the resident needs to stick to it or have their service disconnected. Council Member Cronin suggested that after 2 months that some sort of

payment is made, to show they are actively trying to bring the account current. Mayor Pro-Tem Peterson said he does not care if they pay weekly, monthly or at the end of the 3 months. Council Member Satterthwaite thought the 3-month plan was a good plan. Council Member Walker also agreed with the 3-month plan. Council Member Malan said he thinks that a little bit of a payment should be required each month.

**MOTION:** Council Member Cronin moved to set a policy concerning the Perry City Water Bills; once a resident is more than 60 days late, the city would send out a notice of water termination. If the resident would like an extension due to financial hardship, they would need to put something in writing detailing a plan to pay in full within 90 days, and make small payments each month during the 90 day period. Council Member Malan seconded the motion.

Mayor Pro-Tem Peterson said he would not include any small payments be required. Council Member Cronin said she would like to keep the motion to include a small payment requirement.

**ROLL CALL:** Mayor Pro-Tem Peterson, No                      Council Member Malan, Yes  
                         Council Member Cronin, Yes                      Council Member Satterthwaite, No  
                         Council Member Walker, No  
**Motion Failed.** 2 Yes, 3 No.

**MOTION:** Council Member Walker moved to set a policy concerning the Perry City Water Bills; once a resident is more than 60 days late, the city would send out a notice of water termination. If the resident would like an extension due to financial hardship, they need to submit a letter to the Council and if the letter is submitted the resident will be given 90 days to pay the bill off. (No small payments required monthly). Council Member Satterthwaite seconded the motion.

**ROLL CALL:** Mayor Pro-Tem Peterson, Yes                      Council Member Malan, Yes  
                         Council Member Cronin, No                      Council Member Satterthwaite, Yes  
                         Council Member Walker, Yes  
**Motion Approved.** 4 Yes, 1 No

Duncan Murray said on Tuesday, July 27<sup>th</sup> a letter will be mailed to the residents advising them of the City Council's decision.

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

Wastewater Treatment Facility Board Chairman Steven Pettingill presented some documents to the Council. He explained the first document is a list, which includes some concerns they have. The second document is from Sunrise Engineering and it defines a lot of minor items at the plant and a date of completion for the items. Mr. Pettingill said they requested this information from Sunrise in an effort to get some closure on the contract. He said the plant could run sewage right now and this has been the case since July 1<sup>st</sup>. Mr. Pettingill said the State is resubmitting the permit because it was not meeting their requirements. Mayor Pro-Tem Peterson asked if the items presented are to be supplied by Sunrise Engineering in reference to construction. Mr. Pettingill said some are but some will be the responsibilities of each City. He said they are also having some software problems and these will be corrected by the 15<sup>th</sup> of August. Mr. Pettingill said this is just information for them to review. Council Member Walker asked Mr. Pettingill to address the rumor on the Corps of Engineers having a lawsuit against the city. Mr. Pettingill said this is a complete rumor and there is no issue with the Corps of Engineers.

There was no change orders presented.

**ITEM 5: LAND USE ISSUES**

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

Council Member Malan questioned why Bill Morris was at the meeting. Duncan Murray advised that Bill Morris was filling in for him. He said Bill Morris is a land use attorney and our prosecutor. Mr. Murray advised he was away on a family vacation. Mayor Pro-Tem Peterson said Bill Morris did a good job.

**ITEM 6: PUBLIC UTILITIES, STREETS, AND MUNICIPAL SERVICES**

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

Duncan Murray explained Perry City is part of the Flood insurance program; the federal government funds this coverage. We are a city that is eligible for this insurance. He said every 10 years or so they update their standards and they require the eligible cities to update their Ordinances to abide by these standards. This was just for the council review at this time, no action was taken.

**ITEM 7: EXECUTIVE SESSION**

**A. REGARDING THE CHARACTER OR FITNESS OF A PERSON**

**MOTION:** Council Member Satterthwaite 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:** Mayor Pro-Tem 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 7:56p.m.

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

**ROLL CALL:** Mayor Pro-Tem 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 8:05p.m.

**ITEM 8: PERSONNEL ISSUE**

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

**MOTION:** Council Member Malan moved to table this until the next meeting in order to have the Mayor present and get his input on the contract. Council Member Walker seconded the motion.

**ROLL CALL:** Mayor Pro-Tem 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 9: CITY COUNCIL & MAYOR REPORTS**

**A. BOYD MALAN:** Council Member Malan said he met with the County Surveyor, Brent Slater. He said they went to Mathius Canyon and check out the structure to see what they needed to do to clean

it up. He said this needs to be cleaned up because there are a lot of fallen trees and some sediment in the bottom of the retention area. He said they now have 5 members on the Flood Control Committee (future board) and he said there is enough members to start working with the County and get control back to the City.

**B. MARCI SATTERTHWAITE:** None.

**C. KAREN CRONIN:** Council Member Cronin said they will be having another youth city council meeting in the first part of August. Mayor Pro-Tem Peterson asked if they have a full staff on the council. Council Member Cronin said there are 6 members on the youth council.

**D. BILL WALKER:** Council Member Walker said the Fourth of July was great and he is following up on some negative comments from the breakfast. He said things are going good and the fleet is looking much better now. There are still a couple more vehicles that will need to be replaced in the next couple of years.

**E. TOM PETERSEN:** Council Member Peterson said he is chairing the Centennial Committee and the next event will be a Dutch Oven Cook Off. He said Orson Boyce is over the event and has some good ideas. He said that it was suggested in the last meeting that there be a community ice cream social during the awards portion of the event, and he has a sponsor to donate the ice cream. He said it has also been suggested that tickets be sold for \$0.25 to taste the different items cooked in the event. Council Member Peterson said that a historical tour is planned for the month of September.

**F. MAYOR NELSON:** Absent.

**G. ITEMS FOR NEXT CITY NEWSLETTER:**

- No items suggested

**ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (AUGUST 12, 2010 7:00 PM, FOR THE NEXT REGULAR CITY COUNCIL MEETING)**

**A. MOTION TO ADJOURN**

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

**ROLL CALL:** Mayor Pro-Tem 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 meeting adjourned at 8:19p.m.

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Susan Obay, City Recorder

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Tom Peterson, Mayor Pro-Tem

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Shanna Johnson, Chief Deputy Recorder