

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
JUNE 9, 2011

7:00 PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting.
Tom Peterson, Karen Cronin, Boyd Malan, Marci Satterthwaite (arrived
at 7:13pm)

OFFICIALS EXCUSED: Bill Walker

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Shanna Johnson, Chief Deputy Recorder
Mike Kinghorn, Police Officer

OTHERS PRESENT: Lani Braithwaite, Jay Newman, Lorin Gardner (JUB Engineering), Steve
Pettingill, Tyson Knudsen (Sunrise Engineering)

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Duncan Murray offered the invocation.

B. PLEDGE OF ALLEGIANCE

Susan Obray 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), INCLUDING STARSTRUCK DANCE AND PERFORMING
ARTS**

Mayor Nelson presented new business licenses for Starstruck Dance to be located on Highway 89 and for
Rowdy Gear an online clothing home business. Duncan stated there would be no visiting clientele.

Mayor Nelson said the amount on the Rowdy Gear business application it is showing \$100 and should
only be \$30, this will need to be changed at the time of their payment.

MOTION: Council Member Malan made a motion to approve the business licenses for Rowdy Gear and
Starstruck Dance. Council Member Peterson seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

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

Susan Obray passed out the warrants.

D. PRESENTATION AND APPOINTMENT OF ELECTION POLL WORKERS: TERRY PETERSON, SURESH KULKARNI, JOLENE EDDINGTON, JERRALD NELSON, DAVID CURTIS

Susan Obray advised this opportunity was posted in the newsletter and the individuals listed all applied. She said they all have worked as poll workers in the past and know the election procedures. The Mayor advised he received the recommendation from Susan Obray and would like to appoint the presented names as poll workers.

MOTION: Council Member Cronin made a motion to approve the appointment of the election poll workers for 2011 as Terry Peterson, Suresh Kulkarni, Jolene Eddington, Jerrald Nelson, and David Curtis. Council Member Peterson seconded the motion.

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

Council Member Satterthwaite arrived at 7:13 pm.

E. APPROVAL OF THREE MILE CREEK ELEMENTARY AS THE POLLING PLACE FOR THE 2011 PRIMARY AND GENERAL ELECTIONS

MOTION: Council Member Malan made a motion to approve Three Mile Creek Elementary as the polling location for the 2011 Primary and General Elections. Council Member Cronin 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.

ITEM 3: PUBLIC COMMENTS AND PUBLIC HEARINGS

A. PRESENTATION AND PUBLIC HEARING REGARDING THE FISCAL YEAR 2010-2011 TENTATIVE BUDGET AMENDMENT

MOTION: Council Member Cronin made a motion to open the public hearing regarding the Fiscal Year 2010-2011 Tentative Budget Amendment. 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.

Shanna Johnson presented the budget amendment for Fiscal Year 2010-2011 (see attached State budget form version 6). She advised that no changes were made to the Utility or Sewer Fund, but the General Fund has been amended to balance the budget. She explained there has been a decrease in tax revenue, but an increase in revenue from grants. Shanna stated the grant monies are restricted to the Soccer Park project and the gun range and regular operation expenses have been decreased to meet anticipated revenues.

No public comment was made.

MOTION: Council Member Malan made a motion to close the public hearing for the 2010-2011 Tentative Budget Amendment and open the public hearing regarding the Fiscal Year 2011-2012 Tentative Budget. 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.

B. PRESENTATION AND PUBLIC HEARING REGARDING THE FISCAL YEAR 2011-2012 TENTATIVE BUDGET

Shanna Johnson presented the attached State budget form (version 6), which includes the budget for fiscal year 2011-2012 (FY2011-2012). She reviewed the below sections of the budget:

- General Fund
 - Projected Revenues - \$1,491,709
 - Projected Expenses - \$1,471,043
 - Contributions to Fund Balance – \$20,666
- Debt Service
 - Projected Revenues - \$241,871
 - Projected Expenses - \$193,482
 - Contributions to Fund Balance - \$48,389
- Fleet Lease
 - Projected Revenues (received from city departments for vehicle depreciation) - \$35,251
 - Projected Expenses (vehicle depreciation) - \$35,251
- Utility Fund (including Water, Garbage, Storm Drains)
 - Projected Revenues - \$611,126
 - Projected Operating Expenses - \$602,326
 - Projected Interest expense - \$8,800
- Sewer Fund
 - Projected Revenues - \$914,989
 - Operating Expenses - \$892,198
 - Interest Expense - \$333,300
 - Shanna stated there is approximately \$800,000 in fund balance and a portion of this will be used to cover the loss. She advised this fund will need to be monitored closely and if growth does not occur, something will need to be done to increase revenues.

Shanna stated projects planned for FY2011-2012 include:

- Work on Maddox Lane
- Chip Seal on 2000 South
- Completion of Centennial Soccer Park
- Work at the Wastewater Treatment plant and partnering with State on phosphorous removal
- Partnering with County on Economic Development
- New Server for City
- New Chlorinator for the water system
- Lift Station work located by Wal-Mart

Shanna advised the budget also covers an increase to fire service fees, health insurance costs, increased training, and personnel costs, however total personnel costs have decreased by 7%.

Comments from the public:

Jay Newman: Mr. Newman asked where expenses for Utopia are accounted for. Shanna Johnson said these are listed as part of the Administration budget will cost the city \$97,500 in FY2011-2012. Mr. Newman said this was a waste of money.

MOTION: Council Member Cronin made a motion to close the public hearing regarding the Fiscal Year 2011-2012 Tentative Budget and open the public comment section of the 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.

C. PUBLIC COMMENTS

Jay Newman: Mr. Newman expressed concern with flooding in the city, he said he is unsure of what the City has done in preparation, but recommended someone look into the water shed in Mathius Canyon and elsewhere in the City. He recommended filling sandbags. Mayor Nelson said Council Member Malan has been watching this and the city has sand and sandbags ready for the public. Mr. Newman also expressed concern with the 1200 West heading to Wal-Mart, he is glad the road was installed, but stated it needed a little more maintenance. Mayor Nelson said now that road surfaces have dried up, public works will begin patching the road.

ITEM 4: LAND USE ISSUES

A. DISCUSSION REGARDING June 2, 2011 PLANNING COMMISSION MEETING

Commissioner Steve Pettingill said the Planning Commission reviewed the Council request on historic signs. He said his comment was that if at any time the signs become neglected the City needs a way to remove the sign. Mayor Nelson said we also need to be able to address any safety issues with the signs. Council Member Malan stated there was someone working on the old Kathy Café sign and asked if anyone has told them they may not be able to use it. Council Member Cronin said she would like to keep the Kathy’s Café sign in the community as long as it is safe and kept up. Council Member Satterthwaite asked whose land the sign is on. Mayor Nelson was unsure. Duncan Murray felt it was on the UDOT right of way. Mayor Nelson requested that Codey follow up on the issue. Duncan Murray advised the Planning Commission also reviewed the land use chart for the C1 zone. Council Member Malan asked if there was any opposition to the Thurgood project design change. There were some concerns raised by one neighboring landowner. Lorin Gardner of JUB Engineering said it was approved, but has since changed again.

B. ORDINANCE 11-I TO ALLOW FOR SPECIAL HOURS OF OPERATION FOR GRAVEL PITS UNDER CERTAIN CIRCUMSTANCES

Duncan Murray said this is the permanent ordinance replacing the temporary ordinance passed a few months ago. He said the Planning Commission has reviewed this ordinance, which covers who can grant the authority and under what criteria. Duncan explained the last page of the ordinance covers this and states that special hours of operation can be granted for public emergency and for government mandated requirements. He said the ordinance lists the Mayor as the decision maker, or as having authority to grant special hours. Council Member Malan questioned the appeal process. He said it currently gives 10 days after being published for an appeal to take place, but people will probably not start having issue with this until the special hours of operations have begun. Duncan said the appeal period could be changed to 10 days after the beginning of operations approved by the Mayor. The Mayor and Council agreed with this change.

MOTION: Council Member Malan made a motion to approve Ordinance 11-I To Allow For Special Hours Of Operation For Gravel Pits Under Certain Circumstances with the recommended changes.

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.

C. MOTION TO HAVE THE PLANNING COMMISSION CONSIDER ORDINANCE 11-T REGARDING PERMITS TO REMOVE TREES ON CITY OWNED PROPERTY

Mayor Nelson said the City needs to not only address the removal of the trees, but also include a standard for trees along Highway 89, between 2700 South and 2250 South. He stated the City also needs to decide if trees are removed then who pays for the removal (the property owner or the city), and if we want the trees replaced elsewhere in the city. Council Member Peterson said this is UDOT’s property, but the City has been given responsibility of the property. He said the trees are also the City’s and therefore the City

can decide what happens with the trees and the cost of removal should be the City's expense. Council Member Peterson said the bottom line is the City needs to decide if they want a tree lined main street or not. He said this could also be a safety issue due to the speed limit. Mayor Nelson said Moore's Family Restaurant has contacted him and wants to remove the trees along the streets and place them back by the building and Perry Dental also feels the same. Council Member Peterson, Cronin and Satterthwaite recommended this go to the Planning Commission for review. Council Member Cronin asked if the Council wants to recommend trees, landscaping or cement. Mayor Nelson said he wants trees back by the business. Council Member Satterthwaite said she likes the trees along the highway. Council Member Cronin said she does not want just cement. Duncan Murray advised an appeal authority also needs to be identified. Council Member Satterthwaite and Cronin stated the Council could be the appeal authority.

MOTION: Council Member Cronin made a motion to ask the Planning Commission to review Ordinance 11-T regarding the permits for trees on Highway 89, to clarify that they are City controlled property and therefore the City will hear any appeals concerning them, and make recommendation on trees or some type of vegetation along the Highway 89 between 2250 and 2700 South.

Motion died due to lack of a second.

MOTION: Council Member Peterson made a motion to instruct the Planning Commission to review the comments made at this meeting and make recommendation on a proposed ordinance for the park strip along Highway 89. 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.

ITEM 5: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. APPROVAL OF WARRANTS

Council Member Malan asked that the power bill be separated to identify what is for the city facilities and what is for the wastewater treatment plant. Council Member Cronin and the Mayor agreed that this needs to be split. Council Member Malan asked when the phone system was replaced did the City get a new type of system. Mayor Nelson said this is an upgraded system. Council Member Cronin asked if the Sunrise Engineering bill was part of the original contract. Tyson Knudsen of Sunrise Engineering confirmed that it was part of the original contract. He said the Spindler warrant was for partial payment of the Vactor Truck storage building.

MOTION: Council Member Peterson made a motion to approve the warrants. 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. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY

Wastewater Treatment Board Chair Steve Pettingill reported that a grand opening of the wastewater treatment facility will take place on the 22nd of June at 4:00-5:00pm. Steve requested that Mayor Nelson and Mayor Braegger of Willard City get together with him to plan this out. Steve said the plant is operating very well and is within State standards, he said the last phosphorous test was as 0.59 and the goal set by the State is 1.00. The Vactor Truck building is about finished electrical work is being completed and they are working on the concrete has been poured. He said they are getting prepared for a seedbed so reclamation of the land can take place on the west portion of the building. Huber Technologies came out and helped with the presses. It was not working properly at first but is now. Steve said they are still having some problems with the computer systems, the IFAS system, and the Aerators. He said Tyson is working on solving these problems. Steve said the plant needs Perry's complete stream and Tyson is working with Johansen Construction on this. Council Member Malan

- Mayor Nelson recommended Lois Nelson (a previous award winner) for her contribution to the City's History. Tom Peterson recommended Jack Francis. The Mayor agreed with him and selected Jack Francis for the posthumous award.
- Centennial Awards
 - Geneva Rock & Clyde Company: for their work at the Centennial Soccer Park.
 - The Perry City Centennial Committee: for their work on the events that have taken place all year.

ITEM 7: PUBLIC SAFETY ISSUES

A. RESOLUTION 11-8 AMENDING PMC CHAPTER 99.63 (USE OF ADVANCED TASER)

Duncan Murray presented the Resolution amending Perry Municipal Code Chapter 99.63 (Use of Advance Taser) to the Council, advising it includes the new updates to Taser policy and protocol.

MOTION: Council Member Peterson made a motion to approve Ordinance 11-08. 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 8: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. MAY 26, 2011 WORK SESSION MINUTES
2. MAY 26, 2011 REGULAR MEETING MINUTES
 - Page 4, Line 42: Council Member Malan requested the word 'history' be inserted before the word timeline.
 - Page 7, Line 34: Council Member Malan requested the words 'the west part' be added before culvert.
 - Page 7, Line 45: Council Member Malan requested his name be removed; he said he would be available.

MOTION: Council Member Malan made a motion to approve the minutes for the May 26, 2011 Work Session and the May 26, 2011 Regular City Council Meetings as amended. Council Member Cronin 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 reported on flood control, he said there is heavier flow, but everything seems to be okay. He said he said the grate above the spillway was plugged up, so he cleaned this. He stated he has had complaints of some silt in the water coming out of Mathias Canyon; this will be addressed when the water slows. He reported the corner of the parking lot at the Centennial Soccer Park was too wet to asphalt, Lance Greer of WW Clyde emailed Shanna and said he has some ideas on how to complete, but he had not heard back on that yet. He said Greg Braegger has had a lot of praise for Romero Construction, they have done a good job on the concrete work at the Centennial Soccer Park. He said he is working on getting the rock monument engraved for the soccer park, the first bid received from Botts was \$3,000 for each side, but they have reduced this to \$2,000. He said he met with American Monument said they will do it for \$800-\$900.

C. MARCI SATTERTHWAITE: Council Member Satterthwaite said she is working with Jolene on the Fourth of July special mailing and is waiting for the title of the movie that will be shown in the Park. Mayor Nelson said he will get this and get it to Jolene. She asked if Council Member Peterson if he had a flyer for the special mailing. He said he has a flyer, but the entire flyer does not need to be included in the mailing. Council Member Satterthwaite asked if the Council will be in the parade.

ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON JUNE 23, 2011)

A. MOTION TO ADJOURN

MOTION: Council Member Cronin made a motion to adjourn. 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.

The meeting adjourned at 10:00 PM.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder