

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
MARCH 24, 2011

7:00 PM

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

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Greg Braegger, Parks Superintendent

OTHERS PRESENT: Lani Braithwaite, State Representative Lee Perry, AJ McIntosh, Debbie Hatfield, Jay Newman, Sydney Satterthwaite, Steve Pettingill, Tyson Knudsen (Sunrise Engineering), Lorin Gardner (JUB Engineering)

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Duncan Murray offered the invocation.

B. PLEDGE OF ALLEGIANCE

Shanna Johnson 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)

None.

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

Shanna Johnson passed out the warrants.

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

None.

ITEM 3: PUBLIC COMMENTS (NO PUBLIC HEARINGS)

A. PUBLIC COMMENTS

Mayor Nelson opened the meeting for public comments. No comments were made.

ITEM 4: REPORT FROM STATE REPRESENTATIVE LEE PERRY REGARDING 2011 LEGISLATIVE SESSION

Representative Perry stated the most talked about topic reviewed during the Legislative Session was House Bill 477. He said the bill was an approach to try and fix a 20-year old law regarding GRAMA. He explained the goal was to reduce costs and still maintain access to the public. There has been a lot of public concern and a 25-member committee has been put together to review the Bill. He stated the Bill

will be repealed on Friday, March 25th at 12:00pm in a Special Session. Representative Perry reviewed the laws passed in the 2011 Legislative Session that may affect Perry City and its residents:

- SB35: Dealing with Contractor License Classification
- Alcohol Beverage Control Amendments: Possibly opening up the opportunity for more restaurants to get alcohol licenses.
- Many Education Bills passed:
 - o Veterinary School at Utah State
 - o Changes to the Grading System
- HB 130, Vote Centers: Allows election official the option of opening vote centers on Election Day where voters can go to any center and cast a ballot.
- State Government workweek to change back to a 5-day workweek.
- Leaving a Child Unattended in a Vehicle: Law Enforcement can now charge a Class C Misdemeanor for leaving a child unattended in a vehicle.
- Spice Bill: Outlawing the sale, possession, or consumption of Spice or Ivory Wave in the State.
- SB 66, Military Leave for an Elected Official of a Political Subdivision: the Bill states if you are an Elected Official called to Military Duty, you can take Military Leave, and the governing body may appoint a temporary replacement.
- SB 85, Legal Notice Amendment: The bill was to remove the requirement of publishing notice in the newspaper and require notice be published online only. The media got involved and the bill was pulled so publishing in the newspaper is still required.
- HB 268, Municipal Enforcement Regarding Property Maintenance: This bill amends provisions related to a municipality's authority to regulate the inspection and abatement of property.
- SB 155, Political Subdivision Procurement Process for Construction Process: Probably won't affect Perry, affects mostly 1st and 2nd class cities and will allow them to do design build construction projects.
- SB172 Political Subdivision Administration Amendments: Representative Lee recommended Duncan Murray look up the details of this.
- Post Retirement Employment changes: Amends the post retirement rules; members of the Utah Retirement System (URS) who retire can go back to work for a Government Agency if they are not eligible for benefits, do not exceed the specified income limit, and only work part time.
- 4 Bills passed in reference to immigrant workers:
 - o One bill set up an immigrant guest worker partnership with Mexico. Businesses in the United State would need to show that they tried to hire citizens and were not able to. If the business can prove they were not able to hire a U.S. Citizen they can work with Nuevo Leon, Mexico to hire an immigrant worker that would come to the United States on a Work Visa. This would only be allowed on a seasonal basis.
 - o An enforcement bill was passed, which states that if a Law Enforcement Officer stops an individual they believe to be illegal and the individual has committed a class B or C Misdemeanor, the officer will have the option to check their citizenship status. Representative Perry said Immigration has already stated if they are stopped for a Class B or C Misdemeanor they are not going to deport the individual. If they are arrested on a Class A Misdemeanor or a Felony, the individual is more likely to be deported.
 - o Utah Guest Worker Program: this requires an immigrant who is working in the State to pay a fine, obtain approval and a Guest Worker Card from the State, and document all relatives. It also requires them to pay taxes.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING MARCH 3, 2011 PLANNING COMMISSION MEETING

No discussion took place.

B. TEMPORARY LAND USE ORDINANCE 11-H TO TEMPORARILY ALLOW FOR SPECIAL HOURS OF OPERATIONS FOR UDOT I-15 MAINTENANCE PROJECT

Duncan Murray advised Geneva Rock is working on an I-15 project and UDOT is requiring them to truck material to the Interstate by 9:00am. This requires Geneva to begin hauling this material at 3:30am. This ordinance will temporarily allows early operation for 45 days and for this project only. He recommended the Planning Commission and the City Council look at a more permanent way to address this issue in the future. Council Member Peterson recommended the residents be made aware of this. Duncan stated notice of this will be printed on the Utility Bill. Council Member Cronin asked if anyone can argue that this company was given preferential treatment. Duncan said no, the State is requiring the business to start early and as long as the City treats any other similar request the same, it's not arbitrary and capricious.

MOTION: Council Member Cronin made a motion to accept Ordinance 11-H to temporarily allow for special hours of operations for UDOT I-15 maintenance project. Council Member Malan seconded the motion.

ROLL CALL: Council Member 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 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. APPROVAL OF WARRANTS

Council Member Cronin questioned the Sunrise Engineering invoice for additional work on the manuals. Council Member Malan stated the billing back up for the manuals is the same as what was presented in the last meeting and appears to be a duplicate. Council Member Walker said the City already paid over \$7,000 and expressed concern with being billed for more. He also stated he feels they should not pay for any bills to Sunrise until all issues are resolved at the Wastewater Treatment Plant. Mayor Nelson stated he wants more detail for the work, not just hours. Tyson Knudsen of Sunrise Engineering was not sure why there was a duplicate invoice presented and said he would need to check on this. Council Member Cronin questioned if more billing would take place on the O&M manuals and if so, why. Tyson stated the O&M manual includes spreadsheets obtained on a daily basis from plant monitoring, lab work, permit info, and GIS data. This information is incorporated into the manuals. He explained the task item is not closed and continued work will be required. Mayor Nelson stated this is the type of information needed when presenting an invoice to the Council so they can ensure what they are paying for and that they are not being double billed. Tyson said in the last three years he has not been under this kind of scrutiny and questioned why he is now. Council Member Peterson said a mistake was found and that is why clarification and detailed billing is needed. Tyson said he would work with staff to include more detailed notes in the billing.

MOTION: Council Member Cronin made a motion to approve all warrants except for the warrant to Sunrise Engineering in the amount of \$8,700.16, and asked that Sunrise delete the first invoice previously paid, and provide more information on the second invoice. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

B. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY

Steve Pettingill reported that things are running well at the plant. He said there are some flow issues and asked that the Council approve \$15,000 to be shared with Willard City for two VFDs (Variable Flow Drives). He said a cake forms at the bottom of the clarifiers, which helps remove bad particles in the sewage. He said there is not enough cake in the clarifiers to do this. Currently when pumps turn on it blows the formation of the cake out and the VFDs will help slow down the pump and keep this from happening. Steve said the VFDs will also help with the power usage at the plant, saving on power costs. He said he plans to take these monies from the construction money allocated for ditch work, and hopes to have the State reimburse this as part of the Tertiary Treatment. Mayor Nelson asked if this is an upgrade that the City would have been looking at in the future. Steve said yes. Mayor Nelson confirmed that if the State won't cover these, there is money left in construction to pay the expense. Steve said yes. Mayor Nelson asked if this is just an electrical fix. Steve said yes, this is an electrical control and will work with the current scada system at the plant. Council Member Walker stated the VFDs will increase the life of the pumps. Lorin Gardner of JUB Engineering asked if these will still be needed once there is full flow at the plant. Steve said yes, it will still help to even the flow. Lorin asked why this was not part of the original design of the plant. Council Member Walker said he is frustrated because this was brought up in October and has not being implemented until now. He said he felt this is a poor design by Sunrise Engineering and does not feel the City should have pay for this. Mayor Nelson asked Board Chairman Steve Pettingill what is needed at this time. Steve said approval for the purchase of two VFDs. Mayor Nelson asked if we are only buying two now. Steve said the goal is to get two now and try to get the other two from the State. Lorin asked that the Wastewater Treatment Board explore the option of using one or two VFDs wired to all four pumps in an effort to save money. Steve said he will look into this. Council Member Peterson asked if Willard City approved this. Steve said Willard City did approve the purchase.

MOTION: Council Member Walker made a motion to deny the purchase of two VFDs.
Motion failed due to lack of a second.

MOTION: Council Member Peterson moved to authorize the spending of approximately 61% of \$15,000 for the purchase of Variable Flow Drives. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, No
Motion Approved. 4 Yes, 1 No.

Steve Pettingill advised that the Wastewater Treatment Board is planning to incorporate more hours for assistance at the plant into next year's budget, in hopes to get someone qualified to back up the lead operator. He stated the budget will reflect an increase for additional wages.

C. REVIEW AND SELECT A BID(S) REGARDING THE DEVELOPMENT OF CENTENNIAL SOCCER PARK

Lorin Gardner stated a bid opening took place on Tuesday, March 22nd for concrete work on the Centennial Soccer Park parking lots. He reported that 13 bids were received the lowest and recommended bid was from Romero Construction for \$39,930 covering both schedule 1 and 2. Mayor Nelson asked what the work included. Lorin advised this would include the curb and gutter, sidewalk around the phase 1 field and ADA ramps. Council Member Cronin asked what type of references and

warranty was offered from Romero Construction. Lorin stated the warranty was the same from every bidder and would cover the workmanship and material for 1 year; this would be inspected at 11 months. He said Romero Construction completed the sidewalk work on 12th Street. Council Member Peterson asked the timeframe for the project. Lorin said the contractor will have the month of April to get the curb and gutter in so that the paving can take place around the 1st of May. Lorin said the goal is to complete all work in time for the June Soccer Tournament. Council Member Cronin asked why the bid information was not provided sooner. Lorin said the bid opening took place on Tuesday and he delivered the compiled list of information yesterday. Council Member Cronin stated she would have liked to have more time to review the information and ensure it is not the same contractor who completed work for her, which she was not happy with.

MOTION: Council Member Malan made a motion to award the bid for concrete work (schedule 1 and schedule 2) at the Centennial Soccer Park to Romero Construction the low bidder, for the amount of \$39,930. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, No Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 4 Yes, 1 No.

D. MONTHLY FINANCIAL REPORT (AND SCHEDULE BUDGET WORK SESSION)

Shanna Johnson reviewed the City Financial Report for February 2011. She reviewed revenues collected stating the General Fund collected 64%, the Utility Fund collected 65%, and the Sewer Fund collected 54%. She advised the State approved to cover O&M expenses through February and the city will be seeing some additional revenues from this. She reported 32.95% of non-operating revenues had been collected, which is based off of new construction and development in the area and is low due to the economy. Shanna reviewed expenses as of February stating the General Fund had spent 57.9% of the budget. She said revenue projections for the General Fund show \$1,428,000 so some cuts have been identified. The departments have been asked to reduce spending and they have done a great job with this. She said the judicial department's spending is higher than anticipated due to extra caseload and will probably require a budget adjustment. She said a budget amendment will take place in the future to address issues as needed. Shanna reported the Utility Fund has expended 51.7% of their budget and is doing great. The Sewer Fund has spent only 33% of its budget due to a delay in the start up of the plant. Shanna advised that Sales Tax continues to come in low due to the change in indirect sales tax. She reported if the loss trend continues the City will lose \$81,000 in sales tax.

Shanna advised it is time to start preparing the budget for fiscal year 2011-2012. She said she went to a meeting last week at the County and there should not be any dramatic changes to property tax revenues. She said she also attended the State Auditor's training on Tuesday. She said they reviewed the new transparency laws, which will require all cities to post budget detail down to the transaction quarterly onto the web and will require some additional reporting. She said originally she thought that the City would need to pay an outside vendor to complete the work, but the State Division of Finance has been able to give her all of the data files needed to process the report and she will try to complete this in house and save \$1,200 a year. She said the State Auditor also reviewed changes to the budget process in terms of reporting and forms. Shanna presented a timeline to the Council detailing the budget process. She proposed Budget Work Sessions to take place on April 14th, 28th and May 12th and 26th. She said these Work Sessions would take place at 6:00pm prior to Council Meetings and can be adjusted to allow for more time if needed. She said she is required to present a tentative budget to the Council on May 12th, after which, changes can still be made, but she would like to have the tentative budget at whatever stage it is in available for public review after the May 26th meeting in preparation for a public hearing on June 9th. She said she would like to have final budget approval on June 9th following the public hearing, in order to meet the June 22nd deadline. She advised a special meeting can take place prior to the 22nd if needed. Shanna stated that after the final budget is approved it is required to be sent to the State Auditor within 30 days. The Council was fine with the work session meeting times presented. Council Member Cronin

asked if cuts have been identified to address the loss of sales tax revenues totaling \$81,000. Shanna said yes, these were reviewed and identified in January. She said official cuts have not been made, but will be in the future amendment that will take place.

ITEM 7: PERSONNEL ISSUE

A. NONE.

ITEM 8: PUBLIC SAFETY ISSUES

A. RESOLUTION 11-3 INTERLOCAL AGREEMENT WITH WILLARD CITY FOR FIRE AND RELATED SERVICES

Mayor Nelson said he has been working with Mayor Braegger from Willard on this. He said anything to do with the Police or Justice Court is being removed from this at this time. Duncan Murray said this is just up for review and discussion at this time. He said paragraph six is the main focus of the Resolution. Duncan said he has met with Brigham City and Mayor Fife has agreed to only charge \$10,000 at this time for an automatic aid agreement and Perry City would contribute \$9,000 to partner with Willard City. Council Member Malan said every time Brigham City responds to a fire they charge. Council Member Cronin questioned if Willard City will also charge. Duncan said this is a question that needs to be asked of Willard City and he stated he would follow up on this. Council Member Peterson asked if Willard is going to charge, does Perry City also charge. Council Member Malan asked if Willard has a taxing district for fire. Duncan said no, their fire department is paid for by the General Fund. Council Member Malan questioned how this will affect insurance. Duncan said this should not affect the resident's insurance because Brigham is still responding, if anything this will help because we have more coverage. Shanna Johnson asked how this will affect the City's Liability insurance. Duncan said we will need to research this. Duncan said we applied for a grant with Brigham City for a fire department and we are still in a running for this. The application was not approved in the first 3 rounds, but is still in the running and there is a good chance that funding could be granted. This station would be placed West of Wal-Mart and would improve insurance and response rate. Council Member Cronin asked if we will still need Willard at this time and asked if this agreement is binding. Duncan said he will research this.

MOTION: Council Member Cronin made a motion to table Resolution 11-3 Interlocal Agreement with Willard City for Fire and Related Services. Council Member Malan seconded the motion.

ROLL CALL: Council Member 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: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. MARCH 10, 2011 REGULAR MEETING MINUTES

Council Member Peterson requested page 2, line 41 be corrected. He advised the Bob Thurgood project should be listed on the North East corner of 1550 South.

Council Member Cronin requested on page 5, line 47 the word 'an' be added before EDA grant.

MOTION: Council Member Malan made a motion to approve the meeting minutes for March 10, 2011 as amended. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

B. BOYD MALAN: Council Member Malan reported that Duncan Murray, Paul Nelson and he met with George Humbert of Rocky Mountain Power about Arbor Day; they will be donating trees and

some literature about planting trees around power lines. He said they also discussed getting some poles to use as barriers for the parking at the soccer park along 3000 South.

C. MARCI SATTERTHWAITE: None.

D. KAREN CRONIN: Council Member Cronin said a flyer will be sent with the newsletter this month in reference to a new Business Resource Center available through the County Economic Alliance and Utah State with resources and training to those who are wanting to start up a business or needs help with their current business. She advised she would be attending the Governor's Economic Conference on Monday. She reported on April 16th there will be a Senior's Ball sponsored by the Youth City Council at the Brigham Senior Center. She said information about this event will be posted in the newsletter.

E. BILL WALKER: Council Member Walker said he is meeting next week with a gentleman on LED streetlights.

F. TOM PETERSON: Council Member Peterson said yesterday was the Mayor's Day for Meals on Wheels at the Senior Center. He said our Mayor had to work so he filled in and volunteered in this event. He said he went with the group and delivered meals to 5 people in our community. He said the Senior Center is great resource to residents. He said the Centennial Committee met with Council Member Satterthwaite about the Fourth of July and she gave the committee approval to do any activity that they can get a volunteer for. He said they are exploring fireworks to take place on Saturday, July 2nd, which will cost approximately \$3,000 and they are waiting to see what funds will be available. He reported the 3-on-3 Basketball Tournament took place, eight teams participated, and everyone had a great time and would like to do this on an annual basis. Council Member Peterson said April events will include an Arbor Day Celebration and a Photo Contest. He said Steve Pettingill and Hal Allen will be over the photo contest and entries will be displayed at Maddox.

G. MAYOR NELSON: Mayor Nelson showed some pictures of the old Perry School including some class pictures, one with Council Member Walker as a young boy, and another with Mayor Nelson as a young boy. He reported they have received many pictures of the school and Karen Cronin's son Ryan is doing an eagle project to help compile all pictures. He said it will be nice to provide the school a disc with all the pictures on it.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- None.

I. DISCUSSION REGARDING "ANNUAL AWARDS"

Mayor Nelson asked that any suggestions for extra Centennial awards be given to Shanna Johnson.

Mayor Nelson requested a motion to go to an Executive Session to discuss character or fitness of an individual and a financial situation.

MOTION: Council Member Cronin made a motion to close the Regular Meeting and go to an Executive Session to discuss the character or fitness of an individual and a financial situation. Council Member Walker seconded the motion.

ROLL CALL: Council Member 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 9:35 PM.

MOTION: Council Member Cronin made a motion to close the Executive Session and reopen the Regular Meeting. 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. 5 Yes, 0 No.

Council Member Satterthwaite, Yes

The regular meeting reopened at approximately 9:58 PM.

ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON April 14, 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 Walker, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Malan, Yes
Council Member Satterthwaite, Yes

The meeting adjourned at 10:00 PM.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder