

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
MAY 12, 2011

7:00 PM

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

OFFICIALS EXCUSED: Marci Satterthwaite

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

OTHERS PRESENT: Ray Morin, Paul Nelson, Annette Macfarlane (New Hope Crisis Center), Gloria Crouch, Bill Morris, Jason Whitaker, Jay Newman, Lani Braithwaite, Robert Duke, Cindy Duncan, Jerry Nelson, Vicki Nelson, Nathan Johnson, Sharon Zundel, Darren Bauer

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 Peterson 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)

Mayor Nelson presented the business license for Moore's Family Restaurant, which will be located at the old Kathy's Café. Council Member Peterson stated the sign should be vacated. Mayor Nelson said the owner would like to keep the sign. Duncan Murray advised the sign will be brought to the Planning Commission and Council through the sign permit process. Council Member Cronin questioned what ordinance requires the sign to be removed. Duncan stated Title 65 states a sign must be removed after 1-year after being vacated and Title 58 reduces this further to 30 days. Duncan advised the Planning Commission is currently working on a Historic Sign and Building Ordinance and which this sign may fall under if the Ordinance is passed. Mayor Nelson said under our current sign ordinance would this sign be approved. Duncan said no it does not meet the current requirements due to its proximity to the business, the lights and other factors.

Mayor Nelson stated a business license has been submitted for Perry Family Medicine. This business will be located in the Lodge. It is a commercial business and will have visiting clientele. Council Member Malan questioned what type of medical services would be provided. Cynthia Duncan, Nurse Practitioner/Owner, advised this is a family medical clinic and she would perform the services provided.

MOTION: Council Member Malan made a motion to approve the business licenses for Moore’s Family Restaurant and Perry Family Medicine. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

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

Susan O Bray passed out the warrants.

D. APPOINT A 5-MEMBER ROAD AND TRANSPORTATION COMMITTEE (CONSISTING OF 1 COUNCIL MEMBER, 1 PLANNING COMMISSION MEMBER, 1 CITY STAFF MEMBER, 1 EXPERT, AND 1 OTHER RESIDENT OF THE CITY)

Mayor Nelson asked if Council Member Walker had any names yet for the Transportation Committee.

Council Member Walker said he does not have names ready at this time.

MOTION: Council Member Walker made a motion to Table Item 2D. 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. 4 Yes, 0 No.

ITEM 3: PUBLIC COMMENTS AND PUBLIC HEARINGS

A. PUBLIC HEARING (LIBRARY SERVICES) – CONSIDERING PHASING OUT PERRY CITY’S PARTICIPATION IN THE BOOKMOBILE PROGRAM, AND CONSIDERING PERRY CITY’S PARTICIPATION IN THE BRIGHAM CITY LIBRARY

Mayor Nelson said this process was initiated to gather information on joining the Brigham City Library. Brigham City is fine with Perry City joining, but the costs were much higher than anticipated. So this is just informing the citizens of the options and gathering their input. Council Member Malan stated the Sentinel News published an article referencing that the city would be building a library and this is not true. Mayor Nelson said this was not even discussed. This was just investigating joining the Brigham Library. Council Member Cronin said for those who were not present the last meeting. Brigham City Library will be allowing any students attending a school in Brigham City to get a free library card. Council Member Malan stated he also talked with an individual last week that said you can go to Weber County and purchase a non-resident library card for \$30 and get access to the Brigham City Library through this card.

MOTION: Council Member Cronin made a motion to open the public hearing. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

Vicky Nelson: Mrs. Nelson was opposed to phasing out the bookmobile program and joining the Brigham City Library. She said it would cost twice as much compared to paying the non-resident fee and the bookmobile has been great to work with.

Bob Duke: Mr. Duke was opposed to phasing out the bookmobile and joining the Brigham City Library.

Gloria Crouch: Mrs. Crouch stated she was opposed to joining the Brigham City Library because she would never use Library. She said she felt many of the older residents would not use this.

- Presentations to schools on:
 1. Abuse
 2. Internet Safety

She said they served over 2000 people last year. This includes women, children and 22 men. Mrs. Macfarlane stated the center gets many donations of money and service and currently the 2nd Perry Ward is putting in a garden to the north and west of the center. Council Member Peterson asked where the center is located. Mrs. Macfarlane said they are located across from Rotary Constitution Park on 7th South in Brigham City. Council Member Peterson asked how many people is on staff and how is the center funded. Mrs. Macfarlane advised there are 17 staff members and they are funded by Federal, State and local grants. She said no money is received from Perry City, she said it would be nice if the City could kick in a couple thousand a year, since it costs around \$8,000 per woman helped. Mrs. Macfarlane said they also receive grants from US Department of Justice, funding from Violence against women and crime act, funding from the State, and monies from the Division of Children and Family Services. She said there are also local foundations and a few out of state foundations that support the center with donations. Council Member Peterson asked if this is the only center providing these services in the County. She said yes.

ITEM 5: ANNUAL TRAINING BY BILL MORRIS

A. OPEN AND PUBLIC MEETING ACT

See attached.

B. UNLAWFUL DISCRIMINATION (INCLUDING SEXUAL HARRASSMENT)

See attached.

Council Member Peterson asked what disciplinary action should be when sexual harassment occurs. He said he worked for a company that had a no tolerance approach. Bill Morris advised it depends on the incident and the outcome of the investigation.

ITEM 6: LAND USE ISSUES

A. DISCUSSION REGARDING MAY 5, 2011 PLANNING COMMISSION MEETING

Duncan Murray stated the Planning Commission worked on the 1 lot Woodland subdivision, a conditional use permit, and reviewed the site plan for Starstruck dance.

B. FINAL SITE PLAN FOR STARSTRUCK DANCE AND PERFORMING ARTS (2985 S HWY 89)

Duncan Murray advised this business is located in the old Francis building and has been converted into a dance studio. He said the Planning Commission ironed out all of the details and has recommended this for approval. He said this would require a waiver of the minimum 2-week waiting period required before review by the council for approval. The business is working with an expedited timeline for opening. The Mayor advised the largest concern was parking and it seems to be adequate and stated there will be a deceleration lane as you approach the business on Highway 89. Council Member Malan questioned if the parking, stating some of the stalls are pretty tight. Mayor Nelson said he did speak with Codey on this and Codey said the parking was legal. Council Member Malan asked if they have the required amount of landscaping. Mayor Nelson said yes, they gave up some parking to meet this requirement. Council Member Cronin asked if there would be performances at the sight. Mayor Nelson said no, that they will hold these in an alternate location.

MOTION: Council Member Cronin made a motion to waive the two-week requirement and consider the Site Plan for Starstruck Dance Studio. Council Member Walker seconded the motion

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

Motion Approved. 4 Yes, 0 No.

MOTION: Council Member Walker made a motion to approve the Final Site Plan for Starstruck Dance Studio. 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. 4 Yes, 0 No.

ITEM 7: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. APPROVAL OF WARRANTS

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

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

Motion Approved. 4 Yes, 0 No.

B. APPROVAL OF TENTATIVE BUDGET FOR FISCAL YEAR 2011 AMENDMENT AND TENTATIVE BUDGET FISCAL YEAR 2012

MOTION: Council Member Cronin made a motion to approve the tentative budget for the fiscal year 2011 Amendment and the tentative budget for fiscal year 2012. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

C. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY, INCLUDING APPROVAL OF RESEEDING OPTIONS FOR WESTERN TWO ACRES OF TREATMENT FACILITY

MOTION: Council Member Cronin made a motion to table approval of reseeding options until the options are presented. 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. 4 Yes, 0 No.

ITEM 8: PERSONNEL ISSUE

A. SET PAY RATE FOR A PART-TIME SEASONAL PARKS EMPLOYEE

Council Member Walker asked what the City has paid in the past. Susan Obray stated the last employee was paid \$10.50 per hour, but had worked for the city in the past.

MOTION: Council Member Peterson made a motion to approve the pay rate of \$10.25 per hour for a part-time seasonal parks employee. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

ITEM 9: PUBLIC SAFETY ISSUES

A. NONE.

ITEM 10: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. APRIL 28, 2011 REGULAR MEETING MINUTES

Council Member Cronin said page 6 line 7 only has council member and no name. She requested this be amended to read the City Council Members questioned bills for attending council meetings.

MOTION: Council Member Cronin made a motion to approve the minutes for the April 28, 2011 City Council Meeting as amended. Council Member Peterson seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

B. BOYD MALAN: Council Member Malan reported that there is a lot of water in Perry, but there are no flooding problems at this time. He said the sidewalk on the south north and east of the soccer field has been installed. He said he went to park valley with Council Member Walker and they purchased a rock for the sign at the soccer park for \$200. He said he would like to use beams to raise this off the ground and can purchase the beams for \$200-\$250. He said he will continue to work on getting the light at Mt. View Park.

C. MARCI SATTERTHWAITE: Absent.

D. KAREN CRONIN: Council Member Cronin reported that the Youth City Council of Brigham City and Perry are considering teaming up in order to give proper adult supervision during meetings. Mayor Nelson was only concerned the Youth would not get the leadership role. She said Perry would still have our own council and leaders. Council Member Peterson asked how many youths participate. Council Member Cronin said we have 5-6 that attend regularly, but 15 that are there at times. She said Brigham has around 8 regulars. Council Member Peterson said he would like to see us be independent, but understood if there was not participation from the youth. Council Member Cronin advised she has volunteers and they have begun working on the Centennial parade float. She reported that the Economic Development Committee has met and discussed the rezoning to allow for only retail businesses around the Wal-Mart area .

E. BILL WALKER: Council Member Walker asked Council Member Peterson about T-Shirts. He said his vendor could help with this. Council Member Walker said he will get with him on this. He talked with Maddox and they are planning to put in the curb and gutter on Maddox lane themselves. He said the trees will be removed from the front of Perry Dental and Moore's Restaurant. He said the Dentist will be covering his cost for tree removal.

F. TOM PETERSON: Council Member Peterson reported that the photo contest was a wonderful success and Maddox appreciated the display. He said the annual garage sale will take place Saturday and there is 58 people signed up to sale. He said the City clean up will take place on May 21st. He said the Centennial Committee talked about the soccer tournament and because they were not sure if the park would be ready they did not have enough time to put together the tournament, but will have an exhibition game in June. He said that L. Tom Perry will speak at a fireside on Sunday night before the Fourth of July.

G. MAYOR NELSON: None.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- Mayor Nelson said we need to have a warning published about ATVs and motor cycles in the newsletter. This needs to address the use specifically in and around Perry Canyon. He said the police will be monitoring the area more and giving warnings and then tickets.

I. DISCUSSION REGARDING "ANNUAL AWARDS"

Mayor Nelson said these awards need to be decided the first week of June. Council Member Peterson asked who selects the Grand Marshal. Mayor Nelson said that this could be selected by the committee and Marci Satterthwaite and verified by the Council.

Duncan Murray reported that the RFPs (Request for Proposals) for Computer and Financial Services closed today and requested some Council Members to participate on the selection committee. Council Members Cronin, Walker, and Peterson volunteered. Duncan set meeting times on Monday at 9:00am to review the Financial RFP and at 3:30pm to review the Computer Services RFP.

ITEM 11: EXECUTIVE SESSION (REGARDING THE CHARACTER OR FITNESS OF A PERSON)

MOTION: Council Member Cronin made a motion to close the regular meeting and go to Executive Session regarding the character or fitness of a person. Council Member Walker seconded the motion.

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

Regular Meeting closed at approximately 9:31pm.

MOTION: Council Member Cronin made a motion to close Executive Session and resume 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. 4 Yes, 0 No.

Regular Meeting resumed at approximately 9:59pm.

ITEM 12: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON May 26, 2011)

A. MOTION TO ADJOURN

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

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

The meeting adjourned at 10:00 PM.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder