

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
OCTOBER 13, 2011

7:00 PM

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

OFFICIALS EXCUSED: Karen Cronin

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Dale Weese, Chief of Police

OTHERS PRESENT: Paul Clark, Bridgett Clark, Jeff Biesinger, Kassi Capener, Boyd Montgomery, Jonathon Montgomery, Brian Arnold, Matt Wadsworth, Jay Newman, Lorin Gardner, Jana Nelson, Reese Nelson, Lani Braithwaite, Todd Christensen, Jared Godfrey, Steve Pettingill

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Walker offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Malan led the audience in the Pledge of Allegiance.

ITEM 2: NEW BUSINESS LICENSES, PROCEDURAL ISSUES, AND APPOINTMENTS

A. CONFLICT OF INTEREST DECLARATION

None.

B. NEW BUSINESS LICENSES

- **PC UNIFIED SERVICES** (Technology Consulting Firm): Duncan Murray advised this is a home business with no visiting clientele. The business provides technology consulting for residential offices and home media systems.

MOTION: Council Member Peterson made a motion to approve the business license for PC Unified Services. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

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

Susan Obray passed out the warrants.

ITEM 3: PRESENTATIONS

A. SEPTEMBER YARD OF THE MONTH

Mayor Nelson reported that Brad and Val Hansen were the winners of the Yard of the month for September and will receive a gift certificate to Alpine Gardens (the Hansen family was not in attendance, so they will be notified by mail).

B. ELECTIONS REPORT BY CITY RECORDER (“MEET THE CANDIDATES” AND EARLY VOTING)

Susan Obray reported that a “Meet the Candidates Night” was held on Tuesday, October 11th. She advised that all candidates were present and 35 residents were in attendance. She said the event went well. She announced that early voting will be held October 25th through November 4th at the Perry City Offices, during office hours, and General Elections will be held at Three Mile Creek Elementary School on November 8th at 7:00am – 8:00pm. Susan stated that information about each candidate can be found on the Lt. Governor’s website.

Duncan Murray reported that candidates from both Perry and Brigham City were invited to the Brigham City Chamber of Commerce meeting, which was held that morning. He said it was very informative and he was impressed by the Perry City candidates’ public speaking skills.

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

Approx. 7:15pm

A. PUBLIC COMMENTS

Mayor Nelson said he is aware that many people are concerned with recent reports on the news of a Perry City police officer bribing a Utah Highway Patrol officer. He said the officer in question is a new part-time officer who has only worked for a few weeks for the city and only one day a week. He stated the officer is being investigated by the State and the City is working with this as well. He said the officer also worked full-time at Hill Air Force Base.

Boyd Montgomery: expressed concern with the Charter School. He stated their expected enrollment is two classes of 25 children each per grade (K-8) and this will cause an influx of traffic in the City. He questioned if the City will be able to improve these roads and if the Charter School is going to help with this and asked if we need a traffic light on Highway 89.

Jeff Biesinger: thanked the city and Council for their willingness to work with the Charter School.

Jay Newman: expressed a concern about a pothole in the road in front of Anderson Park. He asked if the project on 2250 South will begin and if it will fix the narrowing of the road and fill up the ditch along the road. Lorin Gardner of JUB Engineering stated this has already been started. Mr. Newman stated he is concerned with the Charter School, because he does not believe we need two school systems in the City. He said we need to go to the Legislature and have them fix the schools that we already have.

Jana Nelson: stated she is a candidate running for Council, and she said she would like to see 3450 South dedicated and paved.

Approx. 7:22pm

ITEM 5: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. REPORT AND OR ACTION REGARDING THE WASTEWATER TREATMENT FACILITY

Duncan Murray advised there is a letter of community acceptance and substantial completion for work completed by Spindler Construction up for approval. He said there is also some information on preparation of the Alum building and treatment, including a change order, an invoice, and a fieldwork order (that the wastewater Treatment Board looked at). Duncan stated work for the Alum building and treatment is being fully reimbursed by the State and there is no cost to the City. Mayor Nelson said there

was a motion of substantial completion approved in August. He said the State is requiring a signed letter of acceptance and substantial completion.

MOTION: Council Member Malan made a motion to allow the Mayor to sign the Community Acceptance letter for Spindler Construction and send this to the State. Council Member Walker seconded the motion.

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

Council Member Walker asked if the State is paying for the Alum building and treatment, why does the City have to approve this. Duncan said it is part of the protocol; the governing body must review all work. Council Member Malan had some questions on the change order and advised he would address these with Tyson when he arrives.

Approx. 8:30pm

Mayor Nelson asked Wastewater Treatment Board Chairman Steve Pettingill if the change order and invoice presented was approved by the Wastewater Treatment Board. Steve Pettingill stated this was approved. Council Member Walker questioned what the software changes were. Steve stated this was required for Alum treatment. Council Member Malan asked if AAA is the contractor installing the software. Steve stated that they are the general contractor and Golden Spike is the sub-contractor providing the software work.

Approx. 8:33pm

B. APPROVAL OF WARRANTS

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 Satterthwaite, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

Approx. 7:30pm

C. APPROVAL OF BID TO COMPLETE IMPROVEMENTS FOR WALMART AREA SEWER LIFT STATION

Mayor Nelson stated that the pumps at the Wal-Mart lift station keep going out. He said Paul Nelson has done a lot of work investigating this issue and the type of pump that is needed in order to service the area. Duncan Murray said that the commercial area near Wal-Mart has grown and expanded and improvements are needed in order to service the area. The other issue is there is a significant effort in order to get down into the sewer lift station; it requires an employee getting into a special suit and going into the sewer lift station to fix any issues. The new system being proposed has the pumps on rails allowing for them to be lifted out for maintenance. Duncan said the current pumps being used are \$2,500 each and go out every few months. The proposed improvements include a bid from W Cubed for \$16,688.00, which is for the main equipment, the City staff will complete most of the work with some assistance from CRB Underground and W-Cubed (for electrical). Duncan advised that public works is looking for the approval of the bid from W-Cubed and for some additional funds to cover the installation for a not to exceed total of \$20,000 to be authorized to be spent on completing the improvements. Duncan stated approximately \$13,000 is already in the budget to cover some of the improvements and impact fees will cover the balance.

MOTION: Council Member Walker made a motion to approve the bid provided by W-Cubed for the two pumps to be installed at the Wal-Mart lift station for a total of \$16,686 with a not to exceed project budget of \$20,000 total. Council Member Peterson seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

Approx. 7:10pm

D. UPDATE REGARDING CHARTER SCHOOL FINANCING (NOT AN ACTION ITEM) – PUBLIC HEARING CANCELLED

Duncan Murray stated the Charter School has been on the agenda for the last couple of meetings to discuss the school partnering with the City for Conduit financing (utilizing the City as a conduit to tax free financing). He reported for reasons outside of the Charter School’s control this financing option is not going to work out and the school has decided to revert back to the other financing option available to them. Duncan stated that some residents thought the Council was deciding on whether to approve the Charter School operating in the City, this is not the case, the decision to allow for a Charter School was made by the State Legislature and there is no approval process needed from the City, because the property purchased and being developed already allows for a Charter School. Duncan said the only land use application that will be coming is the design review and site plan review for the school. He said is only to ensure that the site plan meets the provision of the City Ordinances and that appropriate adjustments to site plan are made by the Charter School if needed.

Mayor Nelson said that the reason the State is in support of Charter Schools is not to take away from public schools (such as Three Mile Creek Elementary), but to help with the education process. He felt that the Charter School will also help with the capacity of our local elementary school, stating that after only two years of being opened, it had to be expanded.

E. UPDATE REGARDING UTOPIA REFINANCING (NOT AN ACTION ITEM)

Duncan Murray stated Utopia is looking at refinancing to prevent the City from paying unnecessary fees. He said the financing costs are less and credit fees are eliminated for the next thirty years. He said a representative from Utopia will be attending an upcoming meeting to give more information.

F. APPROVING A PAYRATE FOR A PART-TIME SEASONAL PUBLIC WORKS/PARKS EMPLOYEE

Mayor Nelson asked if the Council would like to approve a blanket pay rate for part-time seasonal employees rather than reviewing these on a case-by-case basis. The Council Members agreed that they would like to approve blanket pay rates for part-time and/or seasonal positions and then just have an informational item when someone is hired. Duncan asked for a motion approving a pay rate for part-time seasonal parks or public works employees.

MOTION: Council Member Peterson made a motion to approve the pay rate of \$10.25 per hour for part-time seasonal parks and public works employees. Council Member Malan seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

Mayor Nelson recommended a similar action item for temporary office staff. Duncan said he will add an item on the next agenda.

determined. Duncan Murray said UDOT will also be looking at installing a continuous flow interchange at 1100 W, just east of the 1100 South interchange. This will allow people to do left hand turns off of the freeway much more quickly. This can be paid for and completed two ways: (1) one if UDOT determines that traffic flow warrants this, they pay for the project; or (2) the local government can match some of the costs and it will get completed as soon as possible. He stated Brigham City is willing to pay for the match and get this interchange completed. Mayor Nelson stated this will probably be installed in the next two years.

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

A. APPROVAL OF MINUTES FOR:

1. SEPTEMBER 22, 2011 CITY COUNCIL MEETING

MOTION: Council Member Malan made a motion to approve the minutes for the September 22, 2011 City Council Meeting. Council Member Peterson seconded the motion.

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

B. BOYD MALAN: Council Member Malan reported that the flood control may be moved back to the City's control soon. Duncan Murray agreed, stating that they met with the County and they asked for input on the budget, which we have provided and a final resolution is on the County Commission's agenda and if approved, the city will put out a request for applications and reconstitute the City's flood control board.

C. MARCI SATTERTHWAITE: Council Member Satterthwaite questioned when vehicles will be required from the road for snow removal. She stated there are a lot of vehicles on the road. Duncan Murray said once the snow falls, the vehicles will need to be removed. She recommended a reminder to remove the cars be listed in the newsletter and that a reminder about dogs being on a leash or in a fence is required. Council Member Satterthwaite also expressed concern about weeds on undeveloped lots.

D. KAREN CRONIN: Absent.

E. BILL WALKER: Council Member Walker stated he has been working with Moore's café on access to their parking lot. They will be meeting with UDOT next week and they need a letter stating that Perry City is okay with them widening the driveways. He said he recommended one drive be used as an entrance and the other as an exit.

F. TOM PETERSON:

G. MAYOR NELSON: Mayor Nelson requested that public works mow the weeds along the roads again and to slow down when doing this. He also recommended they lift the mower so it does not throw rocks. Mayor Nelson stated UDOT has requested the one remaining tree in Moore's parking strip be removed, because it is on the corner and recommended no trees be placed on the east side in the mow strip.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- Parked Cars during snow removal
- Weeds
- Dogs on a leash
- Elections

ITEM 9: CLOSED EXECUTIVE SESSION

MOTION: Council Member Malan made a motion to close the regular meeting and go to an Executive Session to discuss pending litigation and fitness/character of an individual. Council Member Walker seconded the motion.

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

Council Member Satterthwaite, Yes Council Member Walker, Yes
Motion Approved. 4 Yes, 0 No.

Regular meeting closed at approximately 8:40pm.

MOTION: Council Member Malan made a motion to close the Executive Session and open the public meeting. Council Member Peterson seconded the motion.

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

Regular meeting resumed at approximately 9:50pm.

ITEM 10: ADJOURNMENT (NEXT REGULAR MEETING ON OCTOBER 27, 2011)

A. MOTION TO ADJOURN

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

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

The meeting adjourned at 9:51PM.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder