

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
SEPTEMBER 8, 2011

7:00 PM

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

OFFICIALS EXCUSED:

CITY STAFF PRESENT: Duncan Murray, City Administrator
Shanna Johnson, Chief Deputy Recorder

OTHERS PRESENT: Jay Newman, Bridgett Clark, Kassi Capener, Lani Braithwaite, Clint Biesinger, Brian Nelson

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

Council Member Cronin recused herself from agenda item 5E regarding Charter schools due to her other elected duties for the Box Elder School Board.

B. NEW BUSINESS LICENSES

None.

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

Shanna Johnson passed out the warrants.

Approx. 7:46 PM

ITEM 3: PRESENTATIONS

A. PRESENTATION BY PAUL NELSON REGARDING PINEVIEW SECONDARY WATER

Paul Nelson gave a report regarding Pineview Secondary Water. He explained Perry City is part of the Weber Box Elder Conservation District, which operates 7-8 pressurized systems. He said North Ogden, Plain City, Farr West, & Harrisville are also part of this district. He stated user fees fund the system and the district is struggling a bit because of lack of growth. There are not any plans for large rate hikes, but rates did increase by about 1% this year, which is reflected on property taxes. Paul reported that there are no plans to expand the system in our community, but in time the reservoir servicing the community will need to be expanded.

Approx. 7:04 PM

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS

Jay Newman expressed concern with the fact that Utopia and UTA are collecting tax increment from the community, but have no plans to move forward with their projects in the City at this time. He asked what the organizations are doing with the money. He recommended an audit of Utopias finances.

ITEM 5: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. DISCUSSION AND/OR ACTION REGARDING THE CITY'S WEBSITE, SERVER, AND COMPUTER SYSTEMS

Shanna Johnson reported that Keith Keller (City IT specialist) has recommended the hosting of the City's website be moved to iGov Websites. She explained Mr. Keller is concerned with the security of our network. He stated the current website allows holes in the City's firewall, allowing outside traffic to come into the network. This also could be a risk to the City's financials as financial information could be corrupted. She said there is no backup to the website and according to Mr. Keller iGov Websites can provide the security and back up the city is in need of. She advised the cost for set and maintenance for the first year is \$1,418 and the City would be billed the annual service fee of \$719 in the future. Shanna stated iGov has offered pricing 2 tiers lower than our population would normally be offered. Mayor Nelson advised that security is the big issue and it would cost more to provide proper security to the current website then it would to pay iGov to secure and host the website. Council Member Cronin asked if the annual service fee has been locked in for a certain number of years. Shanna stated she did not think it was, but could check. Council Member Cronin recommended the pricing tier offered for 5 years. She also questioned if the site would maintain transparency. Council Member Malan asked if web posting would be verified prior to posting on the web. Shanna said she could get answers to their questions and present them at the next meeting. She reported Mr. Keller is also looking at having our email hosted externally as well. She said she has some concerns with storage and retention of email and has Mr. Keller looking into this. She cautioned the Mayor & Council to ensure that they are saving emails that deal with City business and that they are using their email address that ends in 'perrycity.org', and not personal email for City business. She advised if your emails pertaining to city business are subpoenaed and you are using a personal email address you may be required to turn over your personal PC during the investigation. Shanna said she can send over the Power Point presentation provided by the State, which explains electronic record storage. Mayor Nelson asked Shanna to provide some training on record retention and transparency in upcoming meetings. Council Member Malan recommended the record retention training be provided after the newly elected officials are in office.

B. REPORT AND OR ACTION REGARDING THE WASTEWATER TREATMENT FACILITY

Duncan Murray advised there is some paperwork included in the packet in reference to the hardship grant acceptance and the set up of the PTIF Escrow account. Shanna advised this account will hold the money from the grant and although the Council will see warrants up for approval for the cost of the construction of the Allum building, or the cost of phosphorous removal, all expenses will be fully reimbursed by the State. Council Member Cronin asked if Sunrise Engineering would be involved in the project. Mayor Nelson said yes, because the State wanted them to be and it is their money being spent. Council Member Malan asked about the \$1.5 Million being held in escrow. Mayor Nelson said that if after the study the State comes back and requires phosphorous removal permanently, these monies would be used to upgrade the plant to handle the treatment long term and most cost effectively. He said that if this is not required, then the money would be placed back into the city coffers for future projects.

C. APPROVAL OF WARRANTS

Council Member Cronin recommended not approving the check to Spindler construction in the amount of \$81,368.45 for retainage. She said spoke to Jeff Hollingsworth and Bob Beebe and they stated that Spindler still has work outstanding and that no funds should be released. Shanna Johnson advised the

check was cut in order to get the disbursement process rolling, but would not be released until the Council approved the warrant and the disbursement was approved by the State. Mayor Nelson said this releases the funds from the State, but the funds will not be released until all work is complete. Shanna advised the warrant could be held until all work is complete and then approved at that time.

MOTION: Council Member Cronin made a motion to approve the warrants excluding the \$81,368.45 to Spindler Construction. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, No
Council Member Cronin, Yes
Council Member Walker, No
Council Member Malan, Yes
Council Member Satterthwaite, No
Motion Failed. 2 Yes, 3 No.

MOTION: Council Member Walker made a motion to approve the warrants as presented. Council Member Peterson seconded the motion.

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

D. CONSIDER FUNDING THE MADDOX LANE RIGHT OF WAY DEDICATION (WEST OF HWY 89)

Mayor Nelson asked if the funds would be available for the dedication. Duncan Murray advised the dedication for Phase 1 of Maddox Lane (including property owned by Deloy Ward, Alpine Nursery, Maddox and John Baxter) would cost \$2, 600, and Phase 2 would cost \$2,600. Shanna Johnson stated that because bids for paving Maddox Lane came in \$8,000 lower than expected the City would have the funds to complete Phase I of the dedication and still have money left over.

MOTION: Council Member Malan made a motion to approve the funding to complete the phase I dedication of Maddox Lane (including property owned by Deloy Ward, Alpine Nursery, Maddox & John Baxter). Council Member Walker seconded the motion.

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

Approx. 8:03 PM

E. CONSIDER RESOLUTION 11-21 AUTHORIZING THE ISSUANCE OF UP TO \$7 MILLION OF CHARTER SCHOOL REVENUE BONDS OF THE CITY ON BEHALF OF PROMONTORY SCHOOL OF EXPEDITIONARY LEARNING; AND RELATED MATTERS

Council Member Malan asked if there were any substantive changes to the City's resolution. Duncan said no. Council Member Walker expressed that he did not feel that it is not the City's responsibility to assist in the funding of the school and asked what the City would get out of this arrangement. Clint Biesinger representative from Crossroads Investment Advisors said the school is publicly funded and receives State funding in the same way the school district does, but because they are not a government entity they do not qualify for tax exempt funding. The City can issue bonds on behalf of the school and give access to this tax exempt funding. He said the school still does not have a purchaser for the debt, but they would still like to move forward with the parameters resolution because it is not binding. He said the city would be the conduit to the tax exempt funding and would not be financially responsible for the funding. They would have some risk to reputation because the City's name would be attached to the funding. Council Member Satterthwaite asked if this is open to the public. Mayor Nelson said they are open to the public. Bridget Clark, representative for Promontory School, said anyone can apply and students are selected by

- B. BOYD MALAN:** Council Member Malan expressed his excitement over the new Centennial Soccer Park, stating it appears to be used by many.
- C. MARCI SATTERTHWAITE:** Council Member Satterthwaite expressed her appreciation for the Centennial Soccer Park, stating that all those participating in soccer events are bringing business to our restaurants, gas stations and other businesses.
- D. KAREN CRONIN:** Council Member Cronin reported that the Centennial float will be in this coming Saturday's Peach day parade. She said members of the Centennial Committee will be riding on the float and invited the Council Members to participate as well. She said she has been talking with the Wastewater Treatment Board Chairman Steve Pettingill in reference to influent leaks in the sewer system and requested a report on what the City is doing to resolve this.
- E. BILL WALKER:** None.
- F. TOM PETERSON:** Council Member Peterson asked if a follow up has been done with UDOT in reference to the parking in front of Moore's Restaurant. Duncan said he has not yet, but did email them about the sign at the restaurant. Mayor Nelson said he will be meeting with UDOT and will bring this up. Council Member Peterson said he felt this was a safety concern. Council Member Malan said there is also a safety concern with big trucks parking on the street in front of Maverik.
- G. MAYOR NELSON:** Mayor Nelson reported that Interim Chief Dale Weese was able to get the 50 & 100 yard .22 Caliber Rifle Course set up at the gun range and he was able to take 15 young men down to use the course. He said they all had a great time. He said if you have scout groups, or others that would like to use this, to contact him or the Police.
- H. ITEMS FOR NEXT CITY NEWSLETTER:**
 - Mayor Nelson requested a write up about the scouts target shooting at the site of the new range and pictures are included.
 - Council Member Cronin said she would have some information from the County regarding an upcoming business symposium.

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON SEPTEMBER 22, 2011)

A. MOTION TO ADJOURN

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

The meeting adjourned at 8:52PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder