

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
SEPTEMBER 22, 2011

7:00 PM

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

OFFICIALS EXCUSED: Bill Walker, Tom Peterson

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

OTHERS PRESENT: Jay Newman, Kaden Curtis, Garrett Ord, Suzanne Ord, Jay Newman, Tyson Knudsen, Todd Christensen, Jana Nelson

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Cronin offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Satterthwaite 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

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. SEPTEMBER YARD OF THE MONTH

Tabled until next meeting because the winners Val and Brad Hansen were not able to attend.

Approx. 7:04 PM

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC HEARING REGARDING AN INTERFUND LOAN OF \$104,462.16 FROM THE CITY'S UTILITY FUND TO THE PERRY REDEVELOPMENT AGENCY'S POINTE PERRY BOND ASSESSMENT FUND

Shanna Johnson advised \$104,462.16 would be loaned from the Utility/Enterprise Fund to the Pointe Perry Bond Assessment Fund allowing the City to make an upcoming Special Improvement Bond Payment, while awaiting receipt of bond assessments due from a developer in the special improvement

area. Duncan explained this will allow the City to make the payment and avoid fees that would be assessed if the payment is not made on time. Suzanne Ord asked where the funds being borrowed are generated. Shanna advised the money comes from unrestricted funds collected over time in the Utility/Enterprise Fund that would be used on system improvements. Shanna stated the city has started a process to collect the bond assessments and the assessments should be paid by the end of the year. Once the assessments have been paid, the inter-fund loan would be repaid in full. She explained that in the event the inter-fund loan is not completely paid in full, a promissory note has been prepared, which would require the city to repay the loan plus 4.5% interest. Council Member Malan asked if it looks promising that the assessments will be collected. Shanna said she believed it does, stating the City has been working with one of the developer's interested parties and they have expressed interested in assisting in this effort.

MOTION: Council Member Cronin made a motion to open the public hearing regarding the Inter-fund loan from the Utility Fund to the Perry Redevelopment Agency's Pointe Perry Bond Assessment Fund.

Council Member Malan seconded the motion.

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

Jay Newman asked if this loan is needed because of a developer going bankrupt. Shanna Johnson advised she is unaware of any developer declaring bankruptcy, but it is due to a developer that has not yet made their bond assessment payment. Duncan Murray advised this loan is an effort to ensure that the city is not charged any late fees. Jay Newman asked if the developer has been made aware of the situation. Shanna stated the developer has been notified and there is a process in place to ensure that the bond assessment payments are brought current.

MOTION: Council Member Malan made a motion to close the public hearing. Council Member Cronin seconded the motion.

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

B. PUBLIC COMMENTS

Jay Newman expressed concern with sales tax increment being collected from Perry City residents by UTA although no plans are in place to bring commuter rail to the community. Mayor Nelson advised he met with UTA the other day and will give an update on their upcoming plans. Mr. Newman also expressed concern with Utopia, he said the City pays them \$94,000 a year and they have not provided any services. Mr. Newman stated Century Link is bringing new lines through town and asked if they are planning to fix damages caused by the installation of the new line. He advised this new line being installed will also cut down the demand for Utopia in the area.

ITEM 5: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. CONSIDERATION OF RESOLUTION 11-23 AUTHORIZING AN INTER-FUND LOAN OF \$104,462.16 FROM THE CITY'S UTILITY FUND TO THE PERRY REDEVELOPMENT AGENCY'S POINTE PERRY BOND ASSESSMENT FUND

Council Member Cronin asked if the plan is to have the loan paid back by the end of the calendar or the fiscal year. Shanna Johnson answered the plan is to pay the loan off by the end of the fiscal year, but stated there are certain events that will occur by December that should bring the payments current, allowing for the inter-fund loan to be repaid. Council Member Malan asked if this could be tabled until the next meeting. Shanna advised that because the Special Improvement Bond Payment is due October 1st, it would be best if this could be considered tonight. If not approved tonight, the payment will be made late and fees will be assessed.

MOTION: Council Member Malan made a motion to approve Resolution 11-23 Authorizing an Inter-Fund Loan of \$104,462.16 from the City’s Utility Fund to the Perry Redevelopment Agency’s Pointe Perry Bond Assessment Fund. Council Member Satterthwaite seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

B. DISCUSSION AND/OR ACTION REGARDING THE CITY’S WEBSITE, SERVER, AND COMPUTER SYSTEMS

Shanna Johnson advised a proposal from iGov Websites was reviewed last meeting, which, if approved, would allow iGov to host our website and close and security gaps with our current website system. She said there were a few questions for which she has obtained answers:

- Pricing Guarantee: iGov has agreed to keep the annual service fee the same for the City for subsequent years.
- System Limitations: the system will have the same capabilities and capacity of our current system, but will have enhanced security.
- Posting Verification: The City will set up security and access can be as open or as limited as the City wants. One or more people can be assigned posting capabilities.

Shanna reviewed proposal pricing:

- Set Up: \$399
- Migration: \$300
- Annual Service Fee:\$719

MOTION: Council Member Cronin made a motion to approve entering into a contract with iGov for website hosting services. Council Member Satterthwaite seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

C. REPORT AND OR ACTION REGARDING THE WASTEWATER TREATMENT FACILITY

Mayor Nelson presented a document closing out clarifier work at the wastewater treatment plant. Duncan Murray advised that this would only close out Sunrise Engineering’s work, but the contractor would still be responsible for any warranty. Duncan said he made a few changes to the agreement and Sunrise has agreed to all changes.

Approx. 8:26pm

Tyson Knudsen presented the following documents to the Council for approval:

- Settlement Release between Sunrise, Willard City, and Perry City Regarding Clarifier Basins. Shanna Johnson asked if all of the work is completed on the Clarifiers. Tyson answered yes, all grouting work at the bottom of the clarifiers is complete. He stated coating work is still being completed, but this agreement does not relate to the coatings
- Request for Partial Retainage Release, \$127,285.01. Tyson advised Willard City has asked an additional \$20,000 be held to correct some honey combing that is taking place at the bottom of the basins. This will change the retainage release amount to \$107,285.01 leaving \$38,100 for items not approved to be corrected at the plant.
- Community Acceptance Letter for work completed by Spindler Construction. Council Member Cronin expressed concern with authorizing Community Acceptance when there are monies still being held for items not complete. Tyson advised this just establishes substantial completion, not full completion.

- Final Acceptance of work completed by Spindler Construction – Tyson asked that this be tabled at this time.

MOTION: Council Member Cronin made a motion to approve the Settlement Release between Sunrise Engineering, Willard City, and Perry City Regarding Clarifier Basins. Council Member Satterthwaite seconded the motion.

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

MOTION: Council Member Cronin made a motion to table the Final Notice of Acceptance for Spindler Construction as per Tyson Knudsen’s recommendation. Council Member Malan seconded the motion.

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

MOTION: Council Member Malan made a motion to approve a release of retainage to Spindler Construction in the amount of \$107,285.01 holding an additional \$20,000 to address corrections recommended by Willard City, in addition to other items to be corrected at the plant. Council Member Cronin seconded the motion.

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

MOTION: Council Member Malan made a motion to authorize the Mayor to sign the community acceptance letter dealing with substantial completion of work provided by Spindler Construction. Council Member Satterthwaite seconded motion.

ROLL CALL: Council Member Malan, Yes Council Member Cronin, No
 Council Member Satterthwaite, Yes
Motion Failed (due to lack of 3 “yes” votes). 2 Yes, 1 No.

Council Member Cronin stated she would like all council members present prior to authorizing the community acceptance letter.

Approx. 7:31 PM

D. APPROVAL OF WARRANTS

Council Member Cronin asked if the \$92,664.48 payable to Sunrise Engineering is to be fully reimbursed by the State as part of the hardship grant. Shanna Johnson answered yes; the State will cover the full expense. She explained that the check will not be released until the State has approved the expense and deposited the funds into the City’s PTIF account.

Mayor Nelson asked if the \$44,000 check to Romero’s Construction closed out their work at the Soccer Park. Shanna advised this is final payment for work at the park, which was inspected and approved by Lorin Gardner. Council Member Cronin asked if Romero Construction stayed within their bid. Shanna stated they did have one change order for wider sidewalks. She reported that the contractor also caused some damage while installing concrete and the cost to repair these items was deducted from the payment. Lorin Gardner advised they also added some additional curb and gutter at the end of the parking lot, which is included in this billing.

Mayor Nelson asked why the gas purchase for \$2,167.58 was so much higher than the other gas purchases on the warrant payable to Maverik. Shanna explained the warrant (payment) is allocated to each responsible department and the amount in question is for Police. She advised they use more gas than the other departments.

MOTION: Council Member Malan made a motion to approve the warrants as presented. Council Member Cronin seconded the motion.

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

E. MONTHLY FINANCIAL REPORT

Shanna Johnson reviewed a budget update for August of Fiscal Year ending 2012 (17% through Fiscal Year). She reviewed collected revenues, stating that the General Fund has collected 6%, the Utility Fund has collected 20%, the Sewer Fund has collected 13%, and 18% of non-operating revenues have been received. Shanna reviewed expenses, advising that 15.3% of the General Fund budget has been expended, 9.8% of the Utility Fund budget has been spent, and 3.3% of the Sewer Fund budget has been expended. Shanna reported sales tax revenue was up in August by 7.47%. Shanna advised that some revenues and expenses in this report belong in fiscal year 2011 and that after year-end accruals take place, these numbers may change.

F. RESOLUTION 11-22 APPROVING AN AGREEMENT WITH LYRB TO PROVIDE ONGOING POINTE PERRY SID MANAGEMENT SERVICES

Duncan Murray stated we are very pleased with the management services provided by Lewis Young Robertson and Burningham. He said every few years we renew the service agreement and this is very similar if not the same as what they have charged in the past. He said the costs will be passed on to the developer. Duncan stated through this agreement they will provide ongoing management services for the Pointe Perry SID area, including assistance with the tax increment for that area.

MOTION: Council Member Cronin made a motion to approve the agreement with LYRB (Lewis Young Robertson and Burningham) to provide ongoing Pointe Perry SID Management Services. Council Member Malan seconded the motion.

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

ITEM 6: LAND USE ISSUES

A. ORDINANCE 11-SS AMENDING PMC TITLE 58 REGARDING ABANDONED SIGNS

Mayor Nelson recommended tabling Item 6A until all Council Members are present. Duncan advised of the three changes to section 58.02.070 of Ordinance as listed and underlined below:

58.02.070. *Abandoned Signs*

The following regulations apply to abandoned signs:

- 1. If a nonconforming sign is abandoned for thirty (30) days or more, use of the sign shall be deemed to be abandoned and the sign, together with any supporting structures, poles and other related equipment, shall be immediately removed by the landowner, unless the City Council (as the land use authority) approves of a special exception after a finding that the sign has significant importance in the community;*
- 2. If the landowner fails to remove an abandoned sign, the City (after written notice is received at least 8 days in advance by the landowner) may: (a) remove the sign; and (b) invoice the landowner for the cost incurred in the removal of the sign;*
- 3. In the event of any conflict between this Section and any other provision of this Title, this Section shall control;*
- 4. A commercial sign attached to, or allocated with, a business operated in a particular*

building shall be deemed to be abandoned if the business ceases its operation in the building; and

5. The Administrative Law Judge shall be the land use appeal authority regarding any appeal of any action taken pursuant to this Section.

Mayor Nelson advised that UDOT responded to the City's inquiry as to whether or not the Moore's sign is on UDOT owned property. He said they reported that the sign is on UDOT property, and they will not require the removal of the sign as long as it does not interfere with any of their projects.

MOTION: Council Member Malan made a motion to table Ordinance 11-SS until the next City Council meeting. Council Member Satterthwaite seconded the motion.

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

 Council Member Satterthwaite, Yes

Motion Approved. 3 Yes, 0 No.

Mayor Nelson stated when he met with UDOT they had some feedback and some good ideas on how to resolve safety issues with parking and access to Moore's Restaurant from the highway.

ITEM 7: TRAINING REGARDING "TRANSPARENCY" IN PERRY CITY

Mayor Nelson provided training and information on transparency (see attached PowerPoint Presentation).

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

A. APPROVAL OF MINUTES FOR:

1. SEPTEMBER 8, 2011 CITY COUNCIL MEETING

- **Page 5, Line 14:** Council Member Cronin requested the word 'them' be clarified as 'UDOT'.

MOTION: Council Member Cronin made a motion to approve the minutes for the September 8, 2011 City Council Meetings, as amended. Council Member Malan seconded the motion.

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

 Council Member Satterthwaite, Yes

Motion Approved. 3 Yes, 0 No.

B. BOYD MALAN: None.

C. MARCI SATTERTHWAITE: Council Member Satterthwaite reported that the date for the Christmas movie has been set as Saturday, December 3rd.

D. KAREN CRONIN: Council Member Cronin said she had somebody call her and ask if the City has done anything to prepare for the mock disaster exercise that is to take place in March of 2012. Mayor Nelson asked Duncan Murray to follow up with Police Chief Dale Weese on this. Council Member Cronin asked for Paul Nelson to come a Council meeting to report on leaks in the sewer system. Shanna Johnson said the city has budgeted to camera and clean the lines and Paul plans to investigate leaks as he cleans what he feels may be problematic areas. Mayor Nelson asked that Paul Nelson be placed on an upcoming agenda to give a status report.

E. BILL WALKER: Absent.

F. TOM PETERSON: Absent.

G. MAYOR NELSON: Mayor Nelson reported that he met with UDOT about access for 1200 West to go straight through to Willard (11th West access from Brigham). He said they are not in favor of this currently and would like to move the new 1100 S./1100 W. intersection down the road another 900 ft. He said Perry City and the developer are contending that moving this access this close to the railroad overpass will require added lights and signals. UDOT has decided to study this and report back. Mayor Nelson said they also discussed issues with an overpass at I-15 and 1100 South. Mayor

Nelson expressed concern to UDOT about their current flyover plan, which would cut off access from the Freeway to the Pointe Perry Commercial area. UDOT has reviewed this area and has come up with a new figure 8/diamond access for the area, which would double the width of the existing bridge and place two traffic lights in the area. One Traffic light would allow access to Pointe Perry and the other would create direct access from 1100 South to the freeway. Mayor Nelson stated that Weber County and Box Elder County are in favor of the 1100 South freeway overpass being a number 1 priority for UDOT. Mayor Nelson reported that he met with UTA; they stated ridership is down and they have had to shut down the Pleasant View Front Runner Station. He reported the spacing between train tracks has changed from 20 feet to 50 feet so UTA has lost their ability to install a Front Runner line in the right of way they intended to purchase. This has resulted in UTA putting off the Front Runner line to Box Elder County. UTA plans to reroute this back by the Union Pacific line and start purchasing rights of way with monies currently being collected from sales tax increment; they will keep the city updated. Mayor advised that UTA is offering a new route from Brigham City to the Pleasant View hub.

Mayor Nelson advised that the November Council meeting will be moved from November 10th to November 17th, so that election canvassing can take place at the same meeting. He asked that if there are any conflicts to let him know.

Mayor Nelson stated he needs to update the Council on some information and asked if the Council would like to have an executive session now or when the other Council members are present. The Council requested this take place when all Council Member are present.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- Mayor Nelson requested information be included about access to the Sewer Lagoon area during the upcoming Duck Hunt.
- Karen Cronin said she will get information about the Business Symposium for the newsletter.

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON OCTOBER 13, 2011)

A. MOTION TO ADJOURN

MOTION: Council Member Cronin made a motion to adjourn. Council Member Satterthwaite seconded the motion.

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

 Council Member Satterthwaite, Yes

Motion Approved. 3 Yes, 0 No.

The meeting adjourned at 8:42PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder