

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
DECEMBER 8, 2011

7:00 PM

OFFICIALS PRESENT: Mayor Pro-Tem Tom Peterson presided and conducted the meeting until 7:35pm, at which time Mayor Nelson arrived.
Tom Peterson, Boyd Malan, Marci Satterthwaite (arrived at 7:11pm), Bill Walker, Karen Cronin

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

OTHERS PRESENT: Todd Lish, Todd Christensen, Bridget Clark, Clint Lish, Lani Braithwaite, David Roberts, Steve Neville, Arnell Jenks, Peter Gerlach, Lorin Gardner (JUB Engineering), Brett Ormsby, Rob Christensen, Jeff Beisinger, Sharon Fairbourn, Valerie Nelson, Kassi Capener, Melissa Conover, Shanda Parkinson, Trudy Malan, Terry Peterson, Jana Nelson, Amy Snyder, Rick Fairbourn, Jarom Hlebasko (Sunrise Engineering), Scott Archibald (Sunrise Engineering), Tyson Knudsen (Sunrise Engineering)

ITEM 1: CALL TO ORDER

Mayor Pro-Tem Peterson called the meeting to order.

A. INVOCATION

Mayor Pro-Tem Peterson 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

Council Member Cronin declared that she will not be participating in the discussion or motion for the Promontory Charter School due to her position on the Box Elder School Board.

B. NEW BUSINESS LICENSES

- Win Win Services, LLC: Duncan Murray advised this business performs roof inspections, with no visiting clientele.

MOTION: Council Member Cronin made a motion to approve the business license for Win Win Services, LLC. 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.

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

Shanna Johnson passed out the warrants.

D. APPOINT PLANNING COMMISSION MEMBERS, INCLUDING ACTING ON A RECOMMENDATION TO APPOINT A CHAIR AND A VICE CHAIR/CHAIR ELECT FOR 2011-2012

Duncan Murray advised that Mayor Nelson would like to appoint the following as recommended by the Planning Commission:

- 2012 Planning Commission Chair – Jerald Nelson
- 2012 Planning Commission Vice Chair – Don Higley

MOTION: Council Member Malan made a motion to approve the appointments of Jerald Nelson as Planning Commission Chair and Don Higley as Vice Chair. 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.

Approx 7:35pm (Mayor Nelson arrived)

ITEM 3: PRESENTATIONS

B. PRESENTATIONS OF PLAQUES FOR YEARS OF SERVICE TO CITY COUNCIL MEMBERS TOM PETERSON, BOYD MALAN, AND BILL WALKER

Mayor Nelson presented plaques to the outgoing council members and thanked them for their service.

HOLIDAY LIGHT AWARDS

Council Member Cronin announced the winner of the Holiday Light Contest as Cameron and Anita Packer (595 W 2650 S), and Gary Brown (619 Liberty Circle) as an honorable mention. Council Member Cronin advised the winner will receive a gift certificate and be recognized in the newsletter.

Approx. 7:40pm

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS (NO PUBLIC HEARINGS)

Todd Christensen thanked the outgoing Council Members for their hard work and dedication to the city.

Sharon Fairbourn said she currently drives her kids to a charter school in Ogden and is excited for the charter school coming to Perry City. She thanked the city for their work in helping this become a reality.

Rob Christensen stated he also drives his children to a charter school in Ogden and is thrilled that there will now be an opportunity for this his children to attend a charter school and participate in our community.

Brett Ormsby said he builds charter schools and said it brings another alternative for learning to the community. He said they are on a fixed cap on what they can spend, but they have agreed to dedicate land to the community for a future road in an effort to be a good neighbor.

Jim Mackley asked the Mayor and Council who benefits from the Perry Sewer system. Mayor Nelson answered that everyone living in Perry City benefits from the sewer system.

Steve Neville said he is very excited for a charter school. He thinks this is a great thing for our community and fits great with the Perry Mission statement.

Ardell Jenks thanked the outgoing Council Members. He said he is a neighbor to the charter school. He has talked with the group building school and they are good people and he loves the way they are going to teach.

Melissa Conover said she was hesitant when she first heard of this charter school. She researched this option and even got a job at another charter school. She is very excited for the school to come to Perry.

Jana Nelson said she would like to thank the outgoing councilmen for their hard work. She said she is just beginning to understand the work that they have done and said they are leaving large shoes to fill.

ITEM 5: LAND USE ISSUES

Approx. 7:06pm

A. DISCUSSION REGARDING DECEMBER 1, 2011 PLANNING COMMISSION MEETING

Council Member Peterson stated the main topic discussed was the plans for the Charter School. He said there has been good attendance from the Planning Commission members.

Approx. 7:53pm

B. CONSIDER FINAL DESIGN REVIEW AND SITE PLAN APPROVAL FOR PROMONTORY CHARTER SCHOOL, LOCATED NEAR THE SOUTHEAST CORNER OF 1200 WEST AND 2700 SOUTH AND NEAR THE INTERSECTION OF 1050 WEST AND 2700 SOUTH (APPROX. 5.0 ACRES OF PARCEL NO. 02-028-0121)

Bridget Clark gave a presentation on the Promontory Charter School. She said it is paid for by WPU (Weighted People Unit) funds, and that charter schools only receive a part of the funds provided to public schools for a student attending their school. She said that because of this their funds are limited. Charter schools do not receive property taxes to pay for their buildings. They must keep their buildings within the appropriate appraised values. If they take on road improvements and or dedications, it is a direct cost to their building and curriculum. However, she stated the Promontory School feels they will be able to make the proper modifications to their site plan to benefit the city and the school. Mrs. Clark stated that as of this morning, 500 students have applied to attend the Promontory School of Expeditionary Learning. She explained the schools maximum capacity is 500, so they are very excited. Students will be coming from Tremonton, Roy, and Smithfield. She said they are willing to do this because of the educational alternative offered by this school. Mrs. Clark stated there has been concern about transportation flow around the site, and they have made adjustments to the plan to allow for a dedication and future road at 1050 West. She advised there is a jog in the road at 1050 W and 2700 S, but feels this will slow traffic and increase safety in the area for not only Promontory School, but also for Three Mile Creek Elementary. Mrs. Clark stated their school will include a permanent green space in the heart of town that will include different ecosystems, such as desert, grasslands, forests, and uplands that will include learning centers and placards. She stated this will available to their students and anyone in the community. Council Member Peterson asked what percentage funds follow a student when they move from public school to a charter school. Jeff Beisinger stated that the property tax portion stays with the public school and, starting next year, 25% of the property tax will follow the student to the charter school. He said that when looking at overall school funding, 80% will be given to the charter school for each student. Mayor Nelson asked if the Council had any questions in reference to the engineered drawings for the site plan. Council Member Peterson stated that there have been some questions on whether or not the State requires that curb, gutter, and sidewalk be installed along the frontage. The Planning Commission recommended approval of the site with the requirement of curb, gutter, sidewalk, and street improvements along the frontage of the building, subject to a determination to be made by the State Property Ombudsman. Duncan Murray advised that the Ombudsman will only rule on the improvements along the frontage and does not include the remainder of 2700 South or improvements along 1050 West. Council Member Malan stated that eventually the improvements will have to happen. The city helped with the

Three Mile Creek and he would like to do the same for this school. Times are hard and he thinks if we all work together, then it can be accomplished. Council Member Peterson stated this decision is beyond the Council's control and will ultimately be made by the Ombudsman.

MOTION: Council Member Walker made a motion to approve the Final Design Review and Site Plan for the Promontory Charter School located near the southeast corner of 1200 West and 2700 South pending the Property Ombudsman's decision. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Abstain Council Member Satterthwaite, Yes
 Council Member Walker, Yes
Motion Approved. 4 Yes, 1 Abstain

ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

Approx. 7:07pm

A. FINANCIAL APPEAL BY KENNETH AND AMY SNYDER TO REDUCE OVERAGE CHARGES FOR CULINARY WATER

(Council Member Marci Satterthwaite arrived at Approx. 7:11pm)

Council Member Walker recommended crediting 2/3 of the overage. Council Member Cronin said that the Council needs to set a process to address these issues, so that credits are based off of set criteria and not emotion. Council Member Walker advised that the first overage was thought to be caused from their sprinkling system because they use culinary water on their lawn. Council Member Cronin said city staff called after the second overage. Council Member Peterson stated they also receive billing monthly. Council Member Cronin suggested crediting the first month. Council Member Walker stated the first overage could have been from the sprinklers. The landowner stated that they did not notice the overage until the city staff called and that \$50.00 would be a normal overage during the summer months. Council Member Walker suggested crediting \$125.00 of the \$175.00 overage, which occurred the second month, and attribute the other amounts to the use of culinary water on their lawn.

MOTION: Council Member Walker made a motion to credit Kenneth and Amy Snyder \$125.00 of overage charges for culinary water. 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, Yes
Motion Approved. 5 Yes, 0 No

Approx. 8:20pm

B. REPORT AND OR ACTION REGARDING THE WASTEWATER TREATMENT FACILITY, INCLUDING GIS UPDATE AND THE FINAL DELIVERY OF PROJECT MATERIALS

Tyson Knudsen presented a change order to decrease the Spindler Construction contract by \$12,000 for defects in the coating system. The Willard and Perry Mayors met with the contractor and an agreement was made to accept a cash contribution for the defective work on the coatings. He asked for a motion to approve the change order. Council Member Cronin asked if the Wastewater Treatment Board agreed with the change order. Mayor Nelson advised that the board does agree with the contract reduction. Council Member Malan asked if the coatings are unable to be repaired. Tyson explained that it has been determined that the coating system is not much of a benefit to the portion of the basins that is affected and everyone felt that it would be better to take the cash and not make the repairs. He explained there is also some pitting in the trough that holds clean effluent and there was not concern to have this repaired. The Engineers evaluated the costs and estimated it would take around \$18,000 to make repairs, but after negotiations it was decided that \$12,000 would be credited for the defect.

MOTION: Council Member Peterson made a motion to approve the Spindler Construction Change Order #17 in credit amount of \$12,000. Council Member Satterthwaite seconded the motion.

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

Council Member Malan, Yes
Council Member Satterthwaite, Yes

Tyson Knudsen introduced Jarom Hlebasko who built the GIS (Geographical Information System) for Perry. Jarom gave a presentation on the system illustrating how it maps the Perry City Utility Infrastructure and allows for data to be input for each manhole, sewer line, water main etc. Including information on when it was installed, last updated, last repaired, and specifics such as depth, diameter, etc. He advised a GPS unit is used to locate the coordinates of the infrastructure in the real world and then it is input into the GIS system. Tyson advised all data can be exported to an excel file and can be utilized to create call lists to be used during an emergency or other helpful spreadsheets. He stated that the system opportunities are endless; it can hold all public works system records and with proper maintenance will be a great asset to the city. Council Member Peterson asked who in the city is trained on the system. Tyson advised Codey Illum, Ty Thompson, and Zach Allen have been trained. Council Member Cronin asked if there is an annual fee for the system. Tyson said there is some expense for system updates but not an annual expense. He said the city currently needs to purchase updates and Paul Nelson has information on this. Tyson said Sunrise will continue to post process data collected by city staff.

Scott Archibald of Sunrise Engineering presented a plaque to the Mayor and Council for the completion of the Wastewater Treatment Plant.

Approx. 7:24pm

C. APPROVAL OF WARRANTS

Council Member Walker asked if the warrant to Sunrise Engineering was paid from grant funds. Shanna Johnson said yes. Council Member Cronin asked what the payment to Wells Fargo was for. Shanna advised a payment to Wells Fargo was voided and reissued and was for a Utopia pledge. Council Member Cronin asked if this is a monthly payment. Shanna said yes.

MOTION: Council Member Malan made a motion to approve the warrants. Council Member Walker 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

D. MONTHLY FINANCIAL REPORT

Shanna Johnson gave a financial update for the month of November. She advised that 42% of the fiscal year has elapsed, 23% of General Fund revenues have been collected, 44% of Utility Fund Revenues have been collected, the sewer fund has received 32% of its revenues, and we have collected 62% of non-operating revenues. She advised the expenses look good. The General Fund has spent 36.4% of its budget, 30.7% of the Utility Fund budget has been expended, and the sewer fund has spent 25.4% of its budget. She advised that sales tax continues to come in higher than expected, and came in 17.87% higher than last year for the month of November. So far this year we have collected 13% more sales tax than the prior year.

ITEM 7: PUBLIC SAFETY AND PERSONNEL ISSUES

A. RESOLUTION 11-3 APPROVING AN INTER-LOCAL COOPERATION AGREEMENT BETWEEN WILLARD CITY AND PERRY CITY FOR EMERGENCY MEDICAL SERVICE

MOTION: Council Member Cronin made a motion to table Resolution 11-3 until the next council meeting. Council Member Walker 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

Approx. 9:12pm

B. RESOLUTION 11-27 APPROVING AMENDMENTS TO THE HIRING POLICY FOR PART-TIME POLICE OFFICERS

Shanna Johnson explained that recently we have been hiring officers from other agencies that are already seasoned and would not require a written test to show that they are qualified. She said the hiring policy amendments would remove the testing requirements, but would require that an applicant be in good standing with the current agency they work for. Shanna stated there would still be an interview process to ensure that the applicant is capable. She advised testing would be required for any full-time opportunity and all employees will still be required to pass annual physical testing. She said the job descriptions have also been edited to reflect the changes. Council Member Cronin questioned why we would not require physical testing. Wouldn't the city want the part-time officers to be as physically capable as a full-time officer? Shanna advised this would be established by verifying that the applicant is in good standing with another agency, because, in order to be in good standing, they would have to pass the physical testing. Mayor Nelson stated that a background check and drug screening would still be required of all hired employees.

MOTION: Council Member Peterson made a motion to approve Resolution 11-27 Approving Amendments to the Hiring Policy for Part-Time Police officers. 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

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

Approx. 9:19pm

A. APPROVAL OF MINUTES FOR:

1. NOVEMBER 17, 2011 REGULAR CITY COUNCIL MEETING

- Page 2, Line 18 – Council Member Cronin asked it be noted in the minutes that she suggested that the grant money be used to apply for street lights and the development of a small park on the northeast side of Perry.
- Page 3, Line 22 – Council Member Cronin requested the word ‘traffic’ be changed to ‘speed’.
- Page 3, Line 48 – Council Member Cronin requested that Upland Square be listed as the development being referred to.
- Page 4, Line 8 – Council Member Cronin requested that it be noted that Shirlene Peck must build on the land in the next three years.
- Page 5, Line 51 – Council Member Cronin requested the word ‘Holidays’ be changed to ‘Thanksgiving’.

Council Member Cronin asked Duncan Murray if he had received any information from Mr. Marriott on the build of Utopia in Perry City. Duncan said the only email he received stated the city would need to match \$30,000 instead of \$60,000 to receive any grant money, but that they had not sent any plans for the installation of Utopia in the City.

2. NOVEMBER 17, 2011 SPECIAL CANVASS MEETING

MOTION: Council Member Cronin made a motion to approve the minutes for the November 17, 2011 Regular City Council Meeting and Special Canvass Meeting as amended. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 1 Abstain

- B. BOYD MALAN:** Council Member Malan said it has been a pleasure working with the Parks; Greg Braegger has been a phenomenal employee. He said he thinks things are going well in the City. The Parks look great and he is glad the city now has control of the Flood Control Board. He said he will miss the Fourth of July breakfast and hopes to someday see a City Cemetery.

- C. MARCI SATTERTHWAITE:** Council Member Satterthwaite thanked Council Members Peterson, Walker and Malan for their service. Mayor Nelson said the Christmas Movie was a success.

- D. KAREN CRONIN:** Council Member Cronin reported that the Youth City Council is going to participate in the Shop with a Cop event. She thanked the exiting Council Member, stating it has been a pleasure to work with them.

- E. BILL WALKER:** Council Member Walker said it was a pleasure working with the city and expressed his appreciation for the Mayor, Council and city staff members, stating they do a great job.

- F. TOM PETERSON:** Council Member Peterson said he served 6 years and said he has seen the controversy disappear. He said the council may disagree at times, but it is a friendly disagreement. He said he has learned the role of a city. He thinks the city needs to be careful with ordinances and ensure they are simple and business friendly. The role of the city is to provide services that people cannot provide themselves and not to pass ordinances that take away a citizen's liberty. He stated it has been a pleasure to serve the community.

- G. MAYOR NELSON:** Mayor Nelson agreed that the city must be careful with ordinances. He said it has been his pleasure working with this Council and thanked the exiting council members. He said the new council has a lot of work ahead. He advised that the new council needs to schedule a retreat meeting and he would contact them to schedule this.

- H. ITEMS FOR NEXT CITY NEWSLETTER:**
 - Mayor Nelson said he will be thanking the exiting council members in the Mayor's Minute and welcoming the new council members.

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON JANUARY 12, 2012 AT 7:00 PM AND A SPECIAL MEETING ON JANUARY 5, 2012 AT 6:00 PM TO ADMINISTER THE OATH OF OFFICE FOR THE NEWLY ELECTED OFFICIALS)

Mayor Nelson asked that the Oath of Office meeting be held at Three Mile Creek Elementary. Duncan Murray stated Susan Obray would take care of getting that set up.

A. MOTION TO ADJOURN

MOTION: Council Member Walker made a motion to adjourn. 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

The meeting adjourned at 9:41 PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder