

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
FEBRUARY 23, 2012

7:00 PM

OFFICIALS PRESENT: Mayor Nelson presided and conducted the meeting.
Marci Satterthwaite, Todd Christensen, Karen Cronin, Peter Gerlach,
Jana Nelson

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Shanna Johnson, Chief Deputy Recorder
Jolene Eddington, Treasurer
Dale Weese, Interim Chief of Police
Scott Hancey, Patrol Officer

OTHERS PRESENT: Bob Valentine, Lani Braithwaite, Tesla Hancey, Susan Weese, Esther Montgomery, Reese Nelson, George Humbert, Lori Humbert, Brent Kartchner, David Strubel, Tai Biesinger, Kent Stratford, Rollie Walker, Lorin Walker, Tyson Knudsen (Sunrise Engineering)

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Christensen offered the invocation.

B. PLEDGE OF ALLEGIANCE

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

ITEM 2: PRESENTATIONS

A. PRESENTATION OF THE 2011 BUSINESS OF THE YEAR AWARD TO ROCKY MOUNTAIN POWER

Mayor Nelson presented George Humbert with a plaque to acknowledge him and Rocky Mountain Power as Perry City's 2011 Business of the Year, for their generous donation of land, which will be used for a trailhead park, and for their help in the community.

ITEM 3: NEW BUSINESS LICENSES, PROCEDURAL ISSUES, AND APPOINTMENTS

A. CONFLICT OF INTEREST DECLARATION

None.

B. NEW BUSINESS LICENSES

- Xpress Cleaning Service: Mayor Nelson advised this home business provides cleaning services to business and residential clients.

MOTION: Council Member Cronin made a motion to approve the business license for Suzie Roberts and Xpress Cleaning. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes

Motion Approved. 5 Yes, 0 No.

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

Shanna Johnson passed out the warrants.

D. RESOLUTION TO SET TERMS OF OFFICE FOR BOARD MEMBERS FOR THE BOX ELDER AND PERRY CITY FLOOD CONTROL AND DRAINAGE DISTRICT.

Duncan stated the board is looking for direction on setting the terms of office. He said there should be three members with 4-year terms and two members with 2-year terms. Council Member Christensen suggested drawing straws. Council Member Cronin stated this should be based on attendance. Council Member Nelson stated the Chair should hold a 4-year term. Mayor Nelson suggested giving the officers the 4-year terms and the others the 2-year terms. The Council agreed with Mayor Nelson's suggestion.

E. APPOINT STATUTORY OFFICERS, INCLUDING CITY ADMINISTRATOR/ATTORNEY, CITY RECORDER, CHIEF DEPUTY RECORDER, CITY TREASURER, AND POLICE CHIEF

Mayor Nelson made the following Appointments:

- Susan Obray – City Recorder
- Jolene Eddington – City Treasurer
- Shanna Johnson –Deputy Recorder
- Duncan Murray – City Administrator/Attorney
- Dale Weese – Chief of Police

Mayor Nelson stated these employees are best fit for the appointments and thanked them for all of their hard work.

MOTION: Council Member Christensen made a motion to approve the appointments of Susan Obray, City Recorder; Jolene Eddington, Treasurer; Shanna Johnson, Deputy Recorder; Duncan Murray, City Administrator/Attorney; Dale Weese, Chief of Police. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
Council Member Cronin, Yes Council Member Christensen, Yes
Council Member Gerlach, Yes

Motion Approved. 5 Yes, 0 No.

F. OATH OF OFFICE CEREMONY FOR STATUTORY OFFICERS:

Duncan Murray City Administrator swore in Susan Obray to the City Recorder position. Susan Obray swore in the following individuals to the following positions: Duncan Murray as City Administrator, Dale Weese as Chief of Police, Shanna Johnson as Chief Deputy Recorder, and Jolene Eddington as City Treasurer. All individuals took the oath of office before the Mayor, Council, and audience in attendance.

G. APPOINT MEMBERS OF THE SPECIAL USE AND APPEALS BOARD

Duncan Murray advised it is time to appoint members of the Special Uses and Appeals Board. He advised that three of the four current members would like to be reappointed, but one position is vacant and will need to be posted. Mayor Nelson appointed the following members to the Special Uses and Appeals Board:

- Mark Stratford – Board Chair/Attorney Member

- Jon Rackham – Former Council Member Position
- Bruce Howard – Engineer Position

MOTION: Council Member Cronin made a motion to approve the appointments of Mark Stratford, Jon Rackham, and Bruce Howard to the Special Uses and Appeals Board. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS (NO PUBLIC HEARINGS)

There were no public comments made.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING February 2, 2012 PLANNING COMMISSION MEETING

Duncan Murray reported that the city did get the decision from the Ombudsman and the Charter school will be required to place improvements of additional asphalt, curb, gutter and sidewalk, in front of the school, on 2700 South Street.

Council Member Cronin acknowledged that Esther Montgomery was present from the Planning Commission. Mayor Nelson asked if she would attend all Council Meetings. Esther said that a rotation was put in place and all Planning Commissioners would take turns coming to the meetings.

B. MOTION TO PROVIDE DIRECTION TO THE PLANNING COMMISSION REGARDING THE PROPOSED ORDINANCE FOR LARGE SCALE UTILITY LINES AND COMMUNICATIONS TOWERS (PMC TITLE 64)

Duncan Murray stated the Planning Commission started working on this Ordinance three years ago. It deals with the large power lines and regulations for telecommunication tower. He said this has come back to light because recently someone applied for a telecommunication tower to be placed by ADL storage. He said the main rule listed in the 110% rule, which states that the pole cannot be located within 110 feet of a house. He said there are no homes at the location being applied for, only storage units. He said this is to protect safety. He said the Planning Commission is looking for a head nod or further direction. Council Member Cronin asked which zones this would be allowed. Esther Montgomery stated this would be allowed in commercial or manufacturing zones. Mayor Nelson asked if the pole needed to be 110 feet away from any structure or residence. Duncan stated currently it states structure, but the Planning Commission is looking at changing this to 110 feet away from an inhabited structure. Council Member Cronin suggested that something be written to protect neighboring structures, such as barns, as well. Council Member Cronin requested when the Planning Commission sends this back to the Council, to please bold or underline the changes.

ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. MONTHLY FINANCIAL REPORT

Shanna Johnson gave a financial update for the month of December. She advised that 59% of the fiscal year has elapsed. 68% of General Fund revenues have been collected, 59% of Utility Fund Revenues have been collected, the sewer fund has received 49% of its revenues, and we have collected 62% of non-operating revenues. She advised the expenses look good. The General Fund has spent 53.8% of its budget, 48.2% of the Utility Fund budget has been expended, and the sewer fund has spent 22.9% of its budget. She advised that sales tax continues to come in higher than expected, so far this year we have collected 12.6% more than the prior year.

C. APPROVAL OF WARRANTS

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

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 7: PUBLIC SAFETY AND PERSONNEL ISSUES

A. MOTION TO SET PAY RATE FOR INTERIM POLICE SERGEANT POSITION

Chief Dale Weese explained that the previous interim sergeant has stepped down and he has assigned Scott Hancey to the position of Interim Sergeant for a 90-day period. Approval of a temporary pay increase is being requested to compensate the employee during the assignment.

MOTION: Council Member Gerlach made a motion to approve the assignment of Scott Hancey to the Interim Sergeant position for 90 days, at which time his performance and the assignment will be evaluated; and to approve a temporary pay increase of \$1.14 per hour (to be paid only during his assignment as Interim Sergeant). Council Member Christensen seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes

Motion Approved. 5 Yes, 0 No.

B. MOTION TO SET PAY RATE FOR POLICE CHIEF

Mayor Nelson stated this is not yet ready for Council approval and will be discussed at a later meeting.

ITEM 8: TRAINING REGARDING MUNICIPAL SERVICES PROVIDED BY PERRY CITY AND AFFILIATED ENTITIES

Duncan Murray provided training to the Mayor and Council regarding serviced provided by Perry City, the Perry Willard Wastewater Treatment Plant and other affiliated entities.

ITEM 9: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. February 9, 2012 REGULAR MEETING

- Page 2, Line 47: Council Member Cronin requested the sentence be changed to read “It was suggested that the Council review at least 1 of the stalled ordinances a month, starting with the cell phone tower ordinance.”

MOTION: Council Member Cronin made a motion to approve the minutes for the February 9, 2012 Regular City Council Meeting as amended. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes

Motion Approved. 5 Yes, 0 No.

A. TODD CHRISTENSEN: reported that he has been working with Keith Keller on City IT (Information and Technology) projects.

B. MARCI SATTERTHWAITE: announced that the Easter Egg Hunt will take place on April 7th at 10:00am, at the Perry Park.

C. KAREN CRONIN: reminded everyone that CERT training will begin next Wednesday, February 29th.

D. PETER GERLACH: reported that he met with Paul Nelson (Public Works Director) on upcoming road projects. Mayor Nelson stated the next time they meet with Rocky Mountain Power on streetlights, they would like Council Member Gerlach to attend.

E. JANA NELSON: stated she met with the Flood Control Board last week. They had Paul Nelson attend and reviewed the various detention ponds and flood control infrastructure throughout the city. They are working on prioritizing where they would like to spend budgeted dollars. Mayor Nelson asked how attendance from board members has been. Council Member Nelson stated one has not attended any meetings and they will be contacting him to see if he is still interested in serving on the board.

F. MAYOR NELSON: cautioned council on using their personal computers and emails for city business. Stating it becomes part of public record. He suggested the Council Members use a City email and computer. He said we might have to budget for devices in the next budget year. Mayor Nelson asked Tyson Knudsen to give a progress report on the Wastewater Treatment Plant and South Ditch project.

Tyson Knudsen of Sunrise Engineering advised that things are going well at the plant and with the south ditch project, funded by the State. He reported that the Army Corp permit 404 has been received, which allows them to go into wetlands and place the utility. He said the State of Utah construction permit has been received, and all easements are in place, but the Arnell Wells easement. Duncan Murray stated he has received word that this easement will be signed. Tyson stated they are waiting on an agreement from Bureau of Reclamation. He requested Duncan get with him when this is received so that he can review the document, before it is signed. He said the State requires a UPDS permit in place before construction begins and the public comment is set to expire on March 15th. He said the construction costs are estimated at \$293,000 and it is within the budget and leaves a contingency of \$20,000. Tyson said there are a few right of way and easement items that need to be tallied and reviewed for budget compliance. He said there was also a land appraisal done, which was not in the original budget. He said they plan to begin construction in April and complete the project within 45 days from the start date.

Tyson stated that the Wastewater Treatment plant punch list is almost complete. There was a mixer that broke, but was covered under warranty and is being replaced. He said within the next month they should be coming to the Councils and requesting final payment of funds in retainage for Spindler Construction.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- Council Member Christensen suggested the city publish information regarding the completion of the Wastewater Treatment Plant and project costs.

ITEM 10: EXECUTIVE CLOSED SESSION, IF NEEDED

MOTION: Council Member Cronin made a motion to close the regular meeting and go to an Executive Session to discuss a real estate transaction. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

Regular meeting closed at approximately 8:46pm.

MOTION: Council Member Christensen made a motion to close the Executive Session and reopen the public meeting. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes
 Motion Approved. 5 Yes, 0 No.

Regular meeting resumed at approximately 9:53pm.

ITEM 11: ADJOURNMENT (NEXT REGULAR MEETING ON MARCH 8, 2012 AT 7:00PM)

A. MOTION TO ADJOURN

MOTION: Council Member Christensen made a motion to adjourn. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Satterthwaite, Yes Council Member Nelson, Yes
 Council Member Cronin, Yes Council Member Christensen, Yes
 Council Member Gerlach, Yes
 Motion Approved. 5 Yes, 0 No.

The meeting adjourned at 9:54PM.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder