

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
AUGUST 9, 2012

7:00PM

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

OFFICIALS ABSENT: Mayor Jerry Nelson; Duncan Murray, City Administrator/Attorney

CITY STAFF PRESENT: Bill Morris, Legal Counsel (Asst. City Attorney)
Susan Obray, City Recorder

OTHERS PRESENT: Lani Braithwaite, Reese Nelson, Monica Holdaway, Braden Mason, Valerie Neslen, Bridgett Clark

ITEM 1: CALL TO ORDER

Mayor Pro-Tem Satterthwaite called the meeting to order.

A. INVOCATION

Mayor Pro-Tem Satterthwaite offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Nelson 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)

Susan Obray passed out the warrants.

ITEM 3: PRESENTATIONS

A. MONICA HOLDAWAY AND THE BRIGHAM CITY AREA CHAMBER OF COMMERCE

Monica Holdaway gave an overview of the services provided by the Chamber of Commerce. She explained that they are a membership-based business organization servicing the Brigham City Area, which includes Perry, Mantua, Honeyville, Corinne and Brigham City. She stated other areas are also welcome to join and they have businesses that participate from other locations including Ogden and Logan. Monica said the chamber provides benefits and work for their members, including:

- Ribbon Cuttings: organizing the event, talking with the newspaper, and providing supplies (ribbon & scissors).
- Advertising opportunities for businesses.
- Movies in the Park – including advertising before movies for businesses.
- Free community Events.

- Networking opportunities – they have a breakfast each month where business get together to talk and get to know each other. Once a month they hold an Eggs and Issues breakfast, discussing business issues or updates that may be occurring in the area.
- Government Affairs Committee – working as a coalition with Weber, Davis, Cache, and Box Elder County to identify priorities that are good for Northern Utah, which are then presented to the Legislature for action and or funding. She explained that the funding for the 1100 South project was a direct result of this committee.
- Peach Days – organizers of the event, which brings advertising and exposure to businesses.

Council Member Cronin asked what the Council should do to better help businesses in the community. Monica suggested that talking with the businesses and building a relationship with them is the best way to help them. She advised attending the networking breakfast is a good venue for this.

**B. PROMONTORY CHARTER SCHOOL-SELECT COUNCIL MEMBERS TO ATTEND
AUGUST 11, 2012 RIBBON CUTTING**

Bridgett Clark of Promontory Charter School provided an update on the progress of the school’s construction. She went through a pictures slide show of the school, explaining that the school is coming along and they anticipate getting occupancy later next week. She invited everyone to the ribbon cutting, which will take place on Saturday, August 11th. Bridgett advised they have filled all student slots. In K-6th grade there are 30-50 students waiting to get in, and in 7-8th grade there are 20 students waiting to get in. She said there are a total of 15 students from outside of Box Elder County attending the school. The Mayor Pro-Tem asked who from Council would be attending the ribbon cutting. Council Members Cronin & Christensen volunteered to attend the ribbon cutting. Council Member Cronin asked if the school’s book mobile issue was resolved. Bridgett said they did resolve the issue and the book mobile would service the children at the school.

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARING

A. PUBLIC COMMENTS

Jay Newman: asked for a status update on Pointe Perry, and asked when the city will be addressing the breach of contract with Utopia, he said \$105,000 a year is being paid for no service and a mess in the city. Council Member Cronin addressed the question regarding Pointe Perry. She stated the owners have paid the two payments that the city has asked them for and will continue work to resolve payment issues.

Bridgett Clark: asked that the utility boxes used for Utopia have become a huge wasp magnet. She said she called the city and Duncan Murray provided her a contact to have someone come and spray the wasps. She said this is a good thing and has helped their neighborhood. She asked that this contact info be shared in the newsletter so that others can call if needed.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING AUGUST 2, 2012 PLANNING COMMISSION MEETING (AND REPORT BY COUNCIL MEMBER CRONIN)

Council Member Cronin stated the commission approved the signs for Canyon Gate and Air 2 Data. She said that three members of the Planning Commission were discouraged that the council did not pass their recommendations on the Balloon Ordinance and Manufacturing in NC2/NC3 zoning. There were also a few members disappointed that the Council approved the business license for Canyon Gate prior to the businesses completing landscaping at the location, because the council did not hold true to the ordinance, which requires this to be complete.

ITEM 6: FINANCIAL AND PUBLIC UTILITIES, AND TECHNOLOGY ISSUES

A. APPROVAL OF WARRANTS

Council Member Cronin asked what the bill for Sunrise Engineering was for. Steve Pettingill advised this is most likely for the South Pipeline project. Council Member Cronin asked where the steel building is

located. Susan Obray advised this is at the shooting range. Council Member Gerlach asked what the payment to Dustbusters is for. Mayor Pro-Tem Satterthwaite advised the payment is for a dust guard application on dirt roads in the city.

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

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

Motion Approved. 5 Yes, 0 No.

B. FINANCIAL APPEAL BY BRADEN AND MANDY MASON TO PAY SEWER IMPACT FEE OVER A PERIOD OF TIME FOR A HOUSE LOCATED AT 2820 SOUTH 1000 WEST

Council Member Christensen recapped the issues stating the resident has found a way to connect to the system and asked owner Braden Mason when this would take place. Braden Mason stated he is currently researching contractors to dig the road 20-feet and make the connection into the system. He said the current low bidder on the project is K.R. Dickamore and this is who they will most likely use to complete the work. Braden advised they are a single-income family and have a child with a heart problem. They don't have a lot of funds to accomplish the connection and pay the impact fee and requested the Council to consider giving them the ability to make payments on the impact fee to help reduce the financial burden. Council Member Christensen asked what plans they have for the old septic tank. Braden said the tank will be dug up and removed. Council Member Cronin asked if the \$100 a month will fit the family's budget. Braden Mason said yes. Council Member Cronin asked if they would be willing to sign a lien. Braden stated they are not the owners of the home. The owner is his mother in-law and he would need to address the lien with her. Council Member Cronin stated that the city attorney has recommended that the lien be required if payments toward the impact fee are allowed.

MOTION: Council Member Cronin made a motion to approve the financial appeal by Braden and Mandy Mason to pay off the impact fee of \$1,885 in payments of \$100 a month, in addition to other utilities, with the condition that the homeowner signs a lien agreement that would cover this amount, if by chance the payments are not made. Council Member Gerlach seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

C. REPORT BY WASTEWATER BOARD CHAIR STEVE PETTINGILL REGARDING COMPLETION OF SOUTH DITCH PIPELINE PROJECT

Steve Pettingill provided reported that the South Pipeline is done. It was completed under budget and both the contractor and Sunrise Engineering were great to work with. He said the Sunrise Engineering has agreed to provide the effluent flow meter for the plant, which is a good deal for both cities. He said this meter be incorporated into the plant's computer monitoring system, which will be used by the Plant Operator, Jeff Hollingsworth, to ensure compliance. Steve stated the water discharges by the boat raceway near Willard Bay. He said there were two change orders on the project: one for a 36-inch valve, which was approximately \$6,000; and one for some rip-rap they did not account for, but was required by the Bureau of Reclamation.

ITEM 7: PUBLIC SAFETY AND PERSONNEL ISSUES

A. RESOLUTION 12-15 ADOPTING AN EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

Bill Morris presented Resolution 12-15, adopting an Equal Employment Opportunity statement (EEOC statement). He explained that government is always looking to do more with less and they way they do that is through grants. He said one grant type is the Community Development Block Grant (CDBG)

provided by HUD and requires an EEOC statement. He said he got the model from the State and he is proposing this model for approval, bringing the city in compliance for any Federal grant opportunities. Mayor Pro-Tem Satterthwaite asked if the grant is based on median household income. Bill Morris stated he was able to get \$200,000 for a city he works with this year. He said this will be used for an expansion on the city's secondary water system and for some curb, gutter, and sidewalk. Mayor Pro-Tem Satterthwaite stated Perry City's median income is pretty high. He said the CDBG funds are to be used in moderate-income neighborhoods and the income is based on 80% of the median income, which for Perry would include all of Box Elder County. He said he has the book that lists this and he will provide this information to Duncan Murray. He also advised that there is a training on CDBG grants that is held each fall, and Duncan should attend. Bill explained in order to identify a project; a city must have a Capital Facilities plan which includes the project. Projects can include community projects such as streets, curb & gutter, sidewalk, water, power, other utilities, etc. He said that recently he was able to get a grant to finish up sidewalk in a neighborhood, where a developer went bankrupt, and the FDIC dissolved the escrow. Council Member Christensen said Perry City has had similar issues.

MOTION: Council Member Cronin made a motion to approve Resolution 12-15 adopting an Equal Employment Opportunity Statement. Council Member Nelson seconded the motion.

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

ITEM 8: GENERAL DISCUSSION ISSUES

A. ANNUAL OPEN MEETINGS ACT AND SEXUAL HARRASSMENT TRAINING

Bill Morris provided training to the Council regarding the Open Meetings Act and the prevention of Sexual Harassment and discrimination (see attached hand outs, including a quiz given to the Council).

ITEM 9: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. JULY 26, 2012 REGULAR MEETING

MOTION: Council Member Cronin made a motion to approve the minutes for the July 26, 2012 City Council Meeting. Council Member Nelson seconded the motion.

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

B. TODD CHRISTENSEN: nothing reported.

C. MARCI SATTERTHWAITE: asked is anyone attended the National Night Out event and asked how it went. Susan Obray said she attended the event it was a lot of fun and the city should continue to provide this event to the community. She said this year there was a very good turn out and there more prizes for the kids than last year, and the bike rodeo was a hit with the kids. She advised the event gives a good opportunity for the community to get to better know the Officers.

D. KAREN CRONIN: expressed concern with the Conditional Business License awarded to Canyon Gate based on the business completing landscaping at the new location. She said last meeting the council talked about working with the business a little bit. She said she is fine with working with them, but when she drove by the area, it does not look as if there has been any progress on the landscaping. Mayor Pro-Tem Satterthwaite asked if city staff has talked with the owner. Council Member Cronin stated Duncan Murray was assigned to do this and has not yet been able to get his report. She recommended that they assign Duncan Murray to write a letter addressing the following violations at the businesses location, of which she had documented through pictures:

- Trash Receptacles not being behind a 6 foot wall
- No continuous sidewalk on site
- Weeds not being under 6-inches (old & new location)
- Debris and unsightliness on location
- No handicap accessibility
- Signs not being properly adhered
- Attractive Nuisance on site – deck and railing unsupported
- Unsafe delivery area/drop offs on site (new location)
- Run off not contained (new location)
- Detention Pond (new location) - immediate drop off within inches of public parking causing a health and safety hazard

Council Member Cronin said the violations are much more serious because the census has included our City in with the Wasatch Front Regional Council area, and if the State were to audit the Detention basin on-site as it is today, the City could face fines. She said Brigham City is also unhappy with the run off because the debris is affecting their storm water system. Council Member Cronin advised she has counted 7 violations, plus the City is in violation of their own Site Plan Approval issued February 2011, which stated the owner would vacate the old building and have it removed by February 2012. She said she understands the City wants to be nice, but she stated we have a duty to our citizens to uphold City Ordinances on the books. She said she believes the best way to do this is to send a letter addressing violations of the Ordinances, which will allow Shirlene Peck to keep doing business, and not demolish the old building. She requested the council direct Duncan Murray to send the letter requesting resolution to the violations; and if violations remain unresolved, the council could consider not renewing the business licenses. Council Member Gerlach said the issue with being nice to one business is that it affects other businesses within the city. Council Member Cronin said the City wants to be business friendly, but asked how business friendly is the City being to the business in the middle of the two locations in violation. She stated that if the Council is okay with it, she would like to direct Duncan Murray to send a letter to Shirlene Peck requiring that at a minimum, the weeds be brought down to 6-inches or lower, the deck off the back (an attractive nuisance) be removed by August 15th, that the dumpsters are properly barricaded, and that the detention pond is brought up to standard. None of the City Council members were opposed to Karen having Duncan send the letter. Council Member Gerlach asked if this issue should be placed on the following agenda. Council Member Cronin said she would get with Duncan Murray to have this added. Council Member Cronin asked Bill Morris if he felt the City was being heavy handed in dealing with these issues. He said he felt the City has been more than accommodating, because in Cities he works with, they would not even grant occupancy without the trash receptacles being enclosed properly, and proper landscaping being in place. Council Member Christensen and Bill Morris expressed that the business owner needs due process and the ability to address these issues with the council. Council Member Christensen requested that a copy of the letter sent by Duncan be sent to the Council. Council Member Cronin asked about the recent Audit of Utopia and if the meeting that Council Member Christensen had planned had taken place. Council Member Christensen stated the meeting had to be rescheduled and they are still working on a date. He said he reviewed the audit report and there were no surprises. Council Member Cronin said she felt the auditors were very kind to Utopia. Council Member Cronin asked if there was anything the City could do to get service in our area. Council Member Christensen said these issues will be discussed in the upcoming meeting.

E. PETER GERLACH: nothing reported.

F. JANA NELSON: nothing reported.

G. MAYOR NELSON: Absent.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- None.

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON AUGUST 23, 2012 AT 7:00PM)

A. MOTION TO ADJOURN

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

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

The meeting adjourned at 8:27pm.

Susan Obay, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder