

Mt. Pleasant City Council
MINUTES

February 22, 2011
7:30 P.M.

REGULAR MEETING

The Mt. Pleasant City Council held a regular meeting February 8, 2011 at 7:30 p.m.. The meeting was held in the Council Chambers, 115 West Main, Mt. Pleasant, Utah.

1. Welcome

Mayor welcomed everyone to the meeting.

2. Opening Ceremony/Pledge of Allegiance

Mayor led the council in the Pledge of Allegiance.

3. Roll Call

Mayor Sandra Bigler, Justin Atkinson, Monte Bona, Michael Hafen, Coleen Oltrogge, Reed Thomas. Recorder Woodard. Others present: Eric Probasco, David Morgan, Peter Hafen, Kay P. Larsen, David Breaux, Arla Otten, Bob Orzick, Jacob McGoreg, Christian Allan, Sterling Allan, Lorie Hardy, Harry Hansen, ?, Loyce Schuhmann, Genial McDonald, Trever Olsen, E. F. Frandsen. (These names were spelled using the sign in sheet, which was hard to read - I apologize for names mis-spelled or omitted because I could not read them.)

4. Approval of Agenda Items

Motion to approve the agenda as written: Coleen. Second: Mike.

Question on the Motion: All Aye

5. Approval of Minutes

Motion to approve the minutes for 2/8/2011 as written: Reed.

Second: Mike. Question on the Motion: All Aye

6. Approval of Claims & Requisitions

Motion to approve the claims for \$173,355.63: Mike.

Second: Coleen. Question on the Motion Roll Call Vote All Aye

7. Public Participation

Mayor asked if anyone wanted to make public comment.

An un-named person pointed out the city clock was off by a couple of minutes.

Harry Hansen asked about the cities plans to comply with Transparency Utah. He asked who was in charge of implementing this. He received no answer. Recorder advised Caselle was working on a program to place the information on the public website. Monte advised he would work with the recorder provide Harry with information on the implementation of the transparency website. Monte also advised Mt. Pleasant should be listed on the Utah Right To Know website. He listed neighboring cities who are or are not

on the website. Harry also complained about the number of mistakes in past city council minutes. The recorder advised he had added several months worth of city council minutes to the website recently, but he had no plans to review old council minutes to fix possible errors.

Arla Otten wants to reserve the park for August 13, 2011. Last year she reversed the campgrounds for August 14, 2010. She only needs the park, but as the park cannot be reserved, she reserves the campground to try to avoid conflicts. Last year she reserved the campgrounds by paying well ahead of time. Somehow, her reservation was lost, and another party reserved the campgrounds for a family reunion. She praised Mayor Bigler for working it out by contacting the party with the family reunion, and arranging to have them not in the park, but only at the campsite, while she and the webelos occupied the park exclusively.

Arla says she called on Monday morning 6 months before the August 13th at 8:02 and the park was already reserved, and she was told she could not reserve the park this far ahead because she is not a resident. She feels the webelos should be provided special treatment because over 100 scouts and 30 leaders, many of whom are from Mt. Pleasant, are involved in the scout day. She would like the park exclusively for scout use from 8-4 on the 13th.

For 2012 the program will be on the 2nd Saturday in August. Mike asked the matter be handled later by the council.

E. F. Frandsen has coordinated volunteer road cleanup for about 12 years. He no longer wants to do it, but hates to see it fall back into the state it was in before he started handling the situation. He says it will only take about 8 hours a year, and involves sending letters out to volunteer groups. He would like someone to take his place.

Peter Hafen asked to be heard later. The mayor allowed this.

8. Consideration and approval of Shane Ward travel request.

Mike advised he thought this would be a good thing for the city, as Shane has passed the tests on the prior trainings. This would be for metering school. He expressed frustration at Kurt Parry for taking the class 2 times and not passing the exam, and thought the city should not pay for him to take the class or exam again.

Mike made a motion to grant the travel request. Second: Reed.

Question on the Motion: All Aye

9. Consideration of granting Monte Bona a Quit Claim Deed on property by the creek by his house.

The Mayor explained there is a trail between Monte, the apartments, another (Carlson Black?), Richard Brotherson, and the creek. This property has historically had garbage dumped on it, and as no one is maintaining it, it becomes a fire hazard. About 12 years ago, it was deeded over to the adjacent property owners with a covenant to maintain the property and clean it up, and with a right of reversion if the city needed it for a right of way. The property owners did not maintain the properties. The city cleaned the property, and sent a bill to the property owners. Only Monte paid the bill. The city re-acquired the properties when they were deeded back. Now the city would like to deed the property over to Monte, who will put a fence up around the property, and maintain it, keeping it safe and pretty. He would pay the appraised value of the property.

Harry asked if there was a signed contract on the property to maintain it. Harry said there is a public notice requirement before any public property is sold. Monte commented if the property were ever needed as a right of way, it would be deeded back to the city. It was determined the city should give public notice of the selling of the property, and have a public hearing.

Monte, near the close of the meeting informed the council he would not like the property any longer. He may maintain the property on his own volition.

10. Resolution 2011-4 adjusting the power rate tariff.

Recorder explained this resolution would update the rate we pay for power from private parties to match the latest rate we paid on our UAAMP bill. Justin asks if this is related to the power purchase agreement. Recorder said it was. Mike explained this would be perceived as an end-run around the problem with Fackerel. Mike suggested we give Fackerel 2 weeks to produce the written contract he claims to have which would pay for power at 10 cents a kWh. Then, if he does not produce the contract, we will go ahead with adjusting the rate tariff.

11. Resolution 2011-5 creating an accounts payable office policy. Mike.

Second: Reed. Question on the Motion: All Aye.

12. Paul Applegarth did not attend.

Mike commented this matter (vacating a road in the Wasatch Campus) was previously tabled. They had a vote, and there was no second. He thought there was a public notice, and he thought this was being brought up again and again even though it had already been handled by the council.

Monte explained he thought the matter had not had a public hearing or public notice before. He explained it was his understanding that Coleen had asked Wasatch to come back with a plan before the council considered the matter further. Coleen agreed with Monte's recollection that she had asked Wasatch to come back with a more developed plan.

Several in the audience thought there had been a public meeting on the matter, as many had commented. Monte thought this was not a formal public hearing before. The recorder was asked to look into the records and see if there was a notice of a public hearing published 2 times in the paper. If there was, Monte agreed he would drop the matter.

12A. Peter Hafen thought there should be a public hearing on all vacated roads and rights of way. He expressed he thought it was right that there be a public hearing before land was deeded from the city. Recorder was asked to look into whether or not there was a public hearing when the council vacated the land over to Monte, Richard, and the two other adjacent property owners to the creek. Monte thought Chess and Dixie set up a public hearing before the land was deeded over, and expressed the land included the right of the city to re-acquire the property if it was needed by the city again as a public right of way.

Monte says they measured the property, and it was found to be too small to build on. It was intended the property owners would make it look like a park.

13. Mayor Report.

Mayor asked if there were any questions on the interim financial reports. There were not.

Mayor asked if there were any questions on the talking points report Monte prepared. There were not.

14. Council Concerns

Reed: Nothing.

Mike: He attended the zoning and planning meeting last week. The commission would like to see something done to have the zoning ordinances enforced. He points out we have in the past cited the violations, and they have even gone to court, and they are never followed up on. He suggests a good starting place would be enforcing encroachments on the streets.

Monte and Sandra said the police are responsible for enforcing the zoning and public nuisance ordinances in the city. Monte suggests we call the police chief to come in and report to the city at a subsequent council meeting about zoning and nuisance enforcement.

Mike complains there is a car parked on a sidewalk, and there have been several complaints to the police, and nothing has been done.

Monte: He made a motion to open up his time to allow people present to express their opinions. The Mayor agreed, and Justin seconded the motion.

Monte tells how he had a horse, and he had to get rid of it due to zoning because of neighbor complaints even though several of his neighbors in the same zone had horses, and his property had previously been used for horses. Part of the reason he bought the property was so he could have a horse. He explained the zoning ordinance allows prior uses to be grandfathered in, but if it was not used for the otherwise forbidden purpose for over 6 months, the grandfathering rules prevented any further use of the property in such a manner.

The former police chief, Kay Larsen, agreed this is what happened to Monte.

Someone in the audience asked why the zoning cannot be changed. Monte and Alvin warn against spot changing of zoning.

Monte asks Kay how to enforce nuisance ordinances, based on his experience as police chief. Kay explains the police have time to do public safety, or zoning enforcement, but not both. When they previously tried to focus on zoning enforcement, the city was hit with an onslaught of litigation threats. We also previously hired a zoning officer, and this did not work well because the prosecutor refused to go forward with the cases with the necessary zeal.

Harry stated the noise at the city dog pound is a violation of the nuisance ordinances. He says in the summer the noise is a real problem, and the pound was built after he moved in.

Justin: We have contracted out the roadwork to have it done professionally, and to make sure all the road funds go into road maintenance. Someone suggested the area on 2nd E. between Main & 1st S. is awful, and asked that be considered as a priority for road maintenance.

Justin also said they are making progress with having the city take some of the middle school sports programs over from the school. It is turning into facilities agreement. Stephanie is looking into how other cities have handled such agreements before finalizing our plans by entering into a contract.

Coleen: She spoke to Cass about putting in a crosswalk by the high school, and this has not been done. The Mayor commented Sam was handling these projects right now, and he is on vacation right now. She asks Coleen to follow up with Sam, and advises she will do the same.

Coleen also reported on the April 21 teacher appreciation night. It will be held at 7 PM at the auditorium. High School seniors were asked to fill out a form showing the teacher who influenced them the most. This will honor and show appreciation to our teachers.

Geniel McDonald challenged Coleen for focusing on this when she should be focusing on other needs of the city. She asked what city funds were being used. Coleen explained city funds were not being used. Coleen explained supporting the schools is in the interest of the city, as they support our students.

Coleen is also challenged for not focusing her efforts on the library. Coleen explains she spends several days a week working on supporting the library. They are creating a friends of the library association to try and raise funds.

Monte explains the renovation is funded by grants, and none of the library operating costs can be covered by these grants. He also explained the tax paid into the library is the highest the state allows, and the city will no longer be supporting the library with funds generated by the power department, so those funds can be used to build the power infrastructure.

Harry Hansen wants to know where the \$200k administrative transfer from the power department goes to. Monte suggests he and the Recorder will get together with Harry to work out these questions. Monte responds to comments to the audience about the money going to the arena, and he explains it is not.

Reed comments the Heritage center is doing very well, and is being booked every weekend.

There are continued complaints from the audience that the arena is not financially viable. Monte points to other event centers in Utah, and they do well. Someone in the audience argues the Salina event center has never supported itself. Monte explains the Transient room tax was created to support things like the event center, and using these funds to support event centers would not be inappropriate. Someone from the audience argues the city only has a few hotel rooms, and the city has failing businesses, and we cannot support the event center. Reed lists the hotel rooms available in the area, and argues this is sufficient to support the arena.

Monte explained over the last couple years the city received a state grant to fix bridges, and we also got a loan, which was interest free for a period to fix roads. We used these funds to have a professional study by Jones De-mille to prioritize road maintenance,

and to fix bridges, and some roads. The mayor admitted we had bought a large road repair machine, and this was a mistake to buy, but it would be sold. We get about \$150k a year to maintain the roads. The city had a study done to prioritize which roads to focus on, based on how busy the roads are.

Lorie Hardy asked if the road study showed 2nd North before Wasatch Academy on the road priority list. Justin said he did not know. Lorie also admitted she did not know, as she had not seen the priority list. Justin explained there were 2 studies done by Jones De-Mille. One was for road usage, and one was for drainage. The Wasatch roads were found to be the major drainage problem in the city, and this was the reason the city fixed the roads by Wasatch. They fixed the drainage and the roads at the same time. The Mayor commented the drainage needed to be fixed so the roads would hold up.

Several expressed skepticism the road maintenance was being implemented in an appropriate manner, as many well-used roads are in terrible disrepair. Justin pointed out the road maintenance study was being done by a professional and unbiased engineer, and we would follow their guidelines.

Harry Hansen encouraged the city to make sure pot-hole repair was done right, as a poor job will not last, and wastes resources.

Frandsen commented we should not allow heavy rigs on our city roads, as they tear them up. It was pointed out we could not discriminate on what vehicles use the roads, if they complied with state restrictions.

15. Closed session to discuss potential litigation started at 9:20.

16. Follow up on Closed Session.

The closed session ended at 10:00. The mayor said we had Mr. Frandsen talk to us about a matter involving potential litigation.

17. Adjourn – 10:02.

Jon Woodard, Recorder