

Mt. Pleasant City Council  
MINUTES  
January 10, 2012  
7:30 P.M.  
REGULAR MEETING

The Mt. Pleasant City Council held a regular meeting January 10, 2012 at 7:30 p.m. The meeting was held in the Council Chambers, 115 West Main, Mt. Pleasant, Utah.

1. Welcome  
Monte welcomed everyone to the meeting.
2. Pledge of Allegiance  
Monte led the council in the pledge of allegiance.
3. Roll Call  
Mayor Sandra Bigler was excused, Justin Atkinson, Monte Bona Mayor Pro Tem, Jeff McDonald, Coleen Oltrogge, Ann Deuel. Recorder Jon Woodard. Others present: Steven Clark, Jim Hatfield, Rusty & Rachelle Bend, David Morgan, Reid Barker, Laura Honey, Flimea Barker, Jessica Lee, Genial McDonald, illegible name starting with an M, Sharice Roberson, Carisa Hilton, Gus Kelly Behr, Matt Draper, Angelina Crocco, Kelton Olsen, Colter Hansen, Wanda Terry, Kaylyn Sparks, Colton Coates, Austin Sanders, Damien Eliason, Chris Long.
4. Approval of Agenda Items  
Motion to approve the agenda as written: Coleen. Second: Ann.  
Question on the Motion: All Aye
5. Recognition of Former Council Members  
Monte invited the council up, and invited Mike Hafen up. He read the plaque thanking Mike for his 4 years of service. The new council all shook his hand. Mike received the plaque.
6. Approval of Minutes  
Motion to approve the minutes for December 13, 2011 as written: Justin.  
Second: Coleen. Question on the Motion: All Aye.  
Motion to approve the minutes for December 29, 2011 as written: Coleen.  
Second: Justin. Question on the Motion: All Aye.
7. Approval of Adjustments:  
Motion to approve adjustments for \$1,823.96: Justin. Second: Jeff. Question on the Motion: All Aye.
8. Financials

Jeff said he had many questions about the financials, and Monte asked Jeff to ask Dave or Jon about those later as it would take too much time in a public meeting to explain the financials in detail.

9. Approval of Claims & Requisitions

Jeff asked about why we needed to approve the warrant register twice. Jon and Monte explained the CDRA approves the items for the CDRA, and the city council approves the items for the city. Jon explained he modified these reports to cross out the RDA items on the city report, and starred the RDA items on the RDA report. Monte encouraged Jon to work with Pelorus to get these reports printed out separately so they are less confusing.

Motion to approve the claims for \$267,477.38: Coleen.

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

10. Public Participation

Mayor asked if anyone wanted to make public comment. No one did.

11. Update from arena committee.

Rusty Bench is co chair of the volunteer group which has a concessionaire agreement with the city to manage the arena. The current agreement expires on January 21. Rusty has a new agreement he would like to consider, or would like to get input from the council on whether another concessionaire agreement is wanted.

Rusty reports on some of the activities the arena has hosted recently. They had 300 people one night, and 400 people the next at the dance and rodeo held on the New Year's weekend. They have about 6 little britches rodeos lined up for the next year. They are working on organizing 2-3 day events which will bring more revenue into the city.

Ann asks if the committee could come up with any ways of communicating more with the community the events that are happening at the arena.

Coleen compliments the committee for doing a great job.

Monte suggests we take the matter under advisement and have a work meeting later to work out the matter in greater detail.

12. CDBG grant proposal:

Monte says we have applied for CDBG grants 3 years in a row now, and have had no success. After reviewing the matter, we found the successful grant applications have been for low income housing. We would rather have used the funds to upgrade the sidewalks on Main Street and State Street, but the funds could only be used for such a project that would make it so only low income establishments could have the repairs done. This would make it not feasible to use the funds for such a project.

Jeff asks what the problems are with the sidewalks. Monte explains the roots of the trees have lifted the grating and bricks surrounding the trees. Jeff explains there are some cheap solutions to sidewalk issues that involve cutting away at parts of the sidewalks with a masonry grinder. Chris Long says the public works could do some of the work to fix the sidewalks, but they are not equipped to handle all of the problems.

Additionally, he explains it depends on where the city wants public works to spend their time.

13. Natural Gas transactions resolution:

This matter was tabled at the last meeting because the council wanted more information from Matt. Matt explains we own 495 KW of the Nebo power plan which we own in conjunction with UAAMPS. We own this share to cover peak power needs. But we have not needed it in the years we have owned the Nebo shares. We have been able to sell the power, but we are required under our agreement to buy natural gas whether we use it or not. The agreement before us would make it so we could work through UAAMPS to sell the gas we do not use to other entities, such as other municipalities, that have their own natural gas systems. We would also enter into longer term contracts, up to 10 years, to purchase gas. With the trends in natural gas prices which have been up, this could allow us to make profits by contracting to buy gas now at today's prices, but selling the gas we do not use to other entities through UAAMPS at a profit. We could also lose money if prices dropped. We would need to pay a nominal fee to participate in this UAAMPS service.

Jeff asks about the relationship between Mt. Pleasant and a natural gas power plant. Matt explains the share of Nebo Mt. Pleasant owns, and goes into the issues of coal power which California will soon no longer be able to buy, which is causing the California owners of Nebo to try and get all owners of Nebo to spend the huge cost associated with converting the plant to just natural gas.

Justin asks about how we buy gas now. Matt explains we currently have a 4 year contract. We would like to extend that out further because prices keep rising. He points to the study which was included in the packet which shows recent trends in natural gas prices.

Jeff asks if we would be bound to the contract for 10 years. Matt says we could back out of UAAMPS anytime. Under this contract we would be bound to buy gas for 10 years, but right now we have to pay for the gas even if we do not use it, so it should be a benefit to the city.

Jeff asks what savings we will see. Matt does not know exactly as we have not entered into the contract, and market rates will vary when we sell the gas.

Justin clarified we would be locked into buying gas for 10 years. However, right now we have to buy gas for Nebo whether we use it or not, and this will allow us to sell it rather than eating the cost.

Motion to adopt resolution 2011-24: Justin. Second: Ann. Question on the Motion Roll Call Vote Aye- Monte, Justin, Coleen, Ann. Nay – Jeff.

14. Council Assignments resolution:

Monte explains the council would be responsible for the matters assigned to them, and they could bring the matters to the council at such times as they wanted to report, or needed a vote from the council. Jon points out the new version of the resolution continues Monte as Mayor Pro Tem.

Motion to adopt Resolution 2012-1: Coleen.  
Second: Jeff. Question on the Motion Roll Call Vote All Aye

15. Susan Larsen – Water connection near 550 W. & 5<sup>th</sup> S. Outside city limits, and sewer connection near 400 S. & 240 W.

Susan says around 1995 they bought 2 water connections, and 1 sewer connection. 1 water connection was immediately installed. The other water connection was put off at Dixie's request. Years later, the water was turned off on their water connection. When they investigated, they found no billing account had been set up, nor was there any other record of the water line that could be found. The Larsens became nervous there was no record of the other connections they had paid for.

Bruce Larsen points out Dixie said there was a record of it in a box she kept on the counter. They also pointed out there was an issue with their cemetery lots when they found someone else had been buried in the lot they bought. This occurred at about the same period as they would have paid for the other connections.

Coleen asks why they waited so long. Susan explains the grade of the land for the sewer connection was not right. They were told if they bought the neighboring lot they would be able to get the grade right. This they have now done, so the sewer should work.

Coleen asks why it had been so many years. Monte points out it had been nine years since Dixie was recorder. Susan says they did not need the connections then. Coleen asks if they need the connections now. Susan says they do.

Jon says he searched every file he could think of, and can find no record of these connections being paid. Prices have risen since this time, and there were no impact fees back then like there are now. If we open the door to people getting city services without any proof of payment we open the door for anyone to claim they are entitled to such a service. Jon recommends we need some scintilla of proof such as a cancelled check, or a bank statement showing the payment.

Susan says they looked for a record and cannot find one. They also have had difficulty trying to find proof of payment through the bank because they cannot remember when they paid for these.

Jeff says he also had a problem with a plot he bought at the cemetery because records were not well kept. He trusts Dixie who the Larsens' report recalled the receipt was in the recipe box on the counter, and he trusts the Larsens. It appears the city made a mistake here, and we should provide the connection. Justin agrees it looks like the city dropped the ball here.

Jon asks if the connections are in the city. Bruce says their survey they have shows the water connection would be in the city. The city map made it appear the connection may not be in the city.

Ann makes a motion to table the matter, but authorize the office staff to make a decision with the mayor. Jon should consult with Dixie, and the decision should be made within 48 hours. Second: Coleen. Question on the Motion All Aye

16. Report on the progress of the homicide investigation:

Jim has kept the mayor up to date on the progress of the investigation. Saturday night he got the call of a possible double homicide in Mt. Pleasant. When he responded, it appeared both people had been shot. The county, Fairview, and other communities responded to help secure the scene. The state crime lab then came down and helped gather evidence. The medical examiner came to gather evidence from the bodies. Information was gathered on possible suspects of theft. This led to investigation of three

persons in Moroni, which resulted in several arrests. The US Marshalls were also involved in helping find the suspects. They asked we not make public who the suspects are even though they had solid suspects because they have found they are more able to find suspects if they do not know law enforcement is looking for them. The suspects were arrested in Nevada. Jim and Dwayne Ballentyne traveled to Elko Nevada to interview the suspects, with the help of two homicide detectives from Salt Lake City. They are being prosecuted in Nevada, who wants to try their case in Nevada before they are extradited here. The Mt. Pleasant Police, the County Prosecutor, and other agencies are still gathering evidence to lock down the case. Things look very good in this prosecution. We had so much help there is lots of information to gather from many different entities for this case. Our officers have done a good job in this case. Jim says we pray something like this does not happen, but we train for it so when it does happen we are prepared.

Monte says the family of the victims have repeatedly praised the city police for doing such excellent work. The Mayor took the family flowers on behalf of the Mayor and City Council.

Justin asks why Nevada gets first bite on the prosecution. Jim explains it is because they are in Nevada custody and subject to Nevada extradition law.

Monte points out the suspects are Fairview residents.

17. Planning commission recommendation regarding wind towers:

Monte reviews the planning commission held a work session last month in which they discussed the wind tower issue. They determined to not allow windmills in Mt. Pleasant by recommending the city code remain as is. They felt such structures are more suited to larger lots, such as those in the county. They subsequently held a public meeting in which they reviewed their discussion, and ratified the recommendation from the work session.

Jeff says he has been involved in this issue from the beginning. He offers to bring in an expert on wind energy ordinances from Salt Lake City. He could draft a windmill ordinance.

Monte asked Jeff to consider the conflict of interest disclosure statement which was given to all the council members at the mayor's suggestion.

Jeff explains at the training he recently went to at the Utah League of Cities and Towns he approached the attorney, and asked if he could draft and vote on legislation in this matter. He was told he could.

Monte explains legislation on this matter would need to go through the planning commission, and if a recommended ordinance was drafted they would need to hold a public hearing.

Jeff would like to table the matter so he can either present an ordinance to the planning commission, or at a council meeting.

Monte explains their needs to be a motion for the council to take action.

Jeff makes a motion to table the matter so he can draft an ordinance for the city council to consider, or so he can have an expert on wind ordinances from Salt Lake City present to the planning commission.

There is no second after a pause. Monte clarifies the lack of a second means Jeff's motion dies.

Justin asks if the city's position is protected as the code now reads. Monte explains the city code now prohibits wind towers in the Modified Commercial Zone.

Ann clarifies Jeff is free to approach the planning commission. Monte encourages Jeff to approach the planning commission.

18. Adjourn – 9:20.

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Jon Woodard, Recorder