

City of Green River

460 East Main Street, Green River, Utah

City Council Minutes
Regular Meeting
Tuesday, January 12, 2010

ATTENDING: Mayor Pat Brady, Council Members Philip Engleman, Keith Brady, Kent Johnson, Dan Harrison; Employees Conae Black; Citizens Cheryl Keener, Keith Johnson, Art and Sharon Hughes, Irene Daw, Frank Anderson, Sandi Silliman, Steve Pitt, Willi Drawe, Dale Richards, Thayn Johnson, Abe Snow, Mitch Vetere, Sharon Mitchell, Kathy Ryan, Lisa Davis, Tracy Hunter, Edward Korycan, Brent and Joni Pace Lenard Johnson, Frank Vetere, Maria Sykes, Jack Forinash, Katherine Brown, Stu and Julie Steuer, Wesley Funes, Hayley Crooks, Charlotte Uptain

CONDUCTING: Mayor Pat Brady, the meeting began at 6:30 p.m.

ORDER OF BUSINESS:

The Pledge of allegiance is directed by Dan Harrison.

1. Swearing the newly elected officials into office. City Recorder, Conae Black, swore in Pat Brady as Mayor, Kent Johnson and Philip Engleman as members of the City Council.

2. Appointment of City Council Member. There was only one applicant for the City Council vacancy. Mayor Brady read the statement from Irene Daw. She stated her desire to serve on the City Council. **MOTION:** Kent Johnson moved to nominate Irene Daw to fill the vacancy on the Green River City Council. Philip Engleman seconded the nomination. **VOTE:** Keith Brady, Philip Engleman, Kent Johnson and Dan Harrison voted aye. The motion carried. City Recorder, Conae Black, swore Irene Daw into office.

3. Discuss/approve/deny consent agenda. Dan Harrison requested to separate out the January 2010 Payment Approval report from the rest of the consent agenda. **MOTION:** Dan Harrison moved to approve all items on the consent agenda except for the Payment Approval Report. Keith Brady seconded the motion. **VOTE:** Keith Brady, Philip Engleman, Irene Daw, Kent Johnson and Dan Harrison voted aye. The motion carried. There was some discussion on our contract with ABCO Construction such as what work was left to be completed, approximately how much was still owed on the contract and if they would be getting the retainage. The Council and Mayor were concerned about getting all of ABCO's subcontractors and suppliers satisfied. **MOTION:** Kent Johnson moved to approve the January 2010 Payment Approval report. Philip Engleman seconded the motion. **VOTE:** Keith Brady, Philip Engleman, Irene Daw and Kent Johnson voted aye. Dan Harrison abstained from the vote. The motion carried.

Minutes for September 1, 2009 special meeting
Minutes for November 10, 2009 regular meeting
November 2009 Recorder's report
December 2009 Treasurer's report
January 2010 Payment Approval report

4. Public Hearing on budget amendments. The Public Hearing on the City's budget began at 6:51 p.m. Kent Johnson asked for a \$25,000 decrease in the Capital Projects fund because he does not have any city park renovations at this time. He asked for a \$25,000 increase in the General Fund under the Curb and Gutter department. Dan Harrison asked for a \$20,000 increase in the Museum fund revenue. \$15,000 will come from the Emery County Travel Bureau and \$5,000 in donations. He also asked for a \$35,000 increase in the Museum expenditures to go towards museum exhibits. This exhibit will be for the dinosaur exhibit. Mayor Brady asked if

there were any comments from the public on the budget changes from the City Council. There were none. The budget public hearing closed at 7:06 p.m.

5. Public Hearing on changes to the Impact Fee ordinance. Mayor Brady opened the public hearing for changes to the Impact Fee ordinance at 7:06 p.m. The current impact fees are \$2,127.00 for water and \$2,540.00 for sewer. The city is proposing to reduce those fees. Mayor Brady said the city had someone do an analysis on the water and sewer impact fees. It was determined from that analysis that the city could reduce those fees to \$1,000 for the water impact fee and \$1,000 for the sewer impact fee. Dan Harrison said the fees were so high before that it sent out a message to discourage any building in this town. We don't want to discourage building we want to encourage it. Dan Harrison explained that there is an additional connection for on top of the impact fee.

Lenard Johnson said he is glad to see the fees reduced. He asked where the impact fee money went and what it is used for. He agrees that impact fees are regressive for someone who wants to build. He feels that what it costs to hook on and what they are going to start paying from then on should be enough. You are talking about \$2,000 plus the connection fee and street repair fee. Mayor Brady said the City Council finds that the impact fees which are required to be paid in the future are necessary to achieve an equitable financial allocation paid by properties in the past and in the future. In comparison to the benefits received by properties connected to the city in the past and those properties connected to the city's system in the future as a result of developmental activity. Conae Black said in 2002 when the city built the new water treatment plant and improved upon the sewer system the city had to go into debt in order to make those improvements. The impact fees were put into place and they are dictated by State law exactly what they can be used for. One of those uses is to pay on debt and another is to make improvements to the system for growth. A lot of the impact fees collected went towards the debt fees but didn't when you are dealing with other entities then he could see that wasn't possible at this time. He explained that he also suggested assessing the impact fees by the value of the home built. Lenard Johnson said there are building permit fees and impact fees. He expressed his concern with Emery County building permit fees. He said the fees are based on the value of the building project and not on square footage. He said there is collection on an impact fee and turning around and collection on a building permit and feels it is duplication. He is sure that it is legal but it isn't right.

Brent Pace asked what the average impact fee was. Conae Black explained that the city's engineer did a study based upon debt and capacity among other things. They collected data and did an evaluation from that. Impact fees are to protect those that are already paying into the water and sewer systems.

Lenard Johnson said he has a friend in Provo who was building a 16 X 16 foot building without a permit. Provo City caught him and told him to get a permit. The permit cost him \$45. His building permit from Emery County was \$400 to build his garage. Dan Harrison asked Lenard Johnson if his building was bigger than 16 x 16. Lenard Johnson said yes. Green River has contracted with Emery County for all building permits. He doesn't know how much of the permit fees come back to Green River. Dan Harrison said the city does not have to employ an inspector. Mr. Johnson said he understood that but we are in Green River and unfortunately we are in Emery County.

Jack Forinash said the impact fees the way they were before were a barrier to development specifically the housing development and redevelopment. He is glad to see the fees lowered and would like to see it even lowered more but it is a dramatic improvement and thanked the Mayor and Council for doing that.

There were no other comments from the public. Mayor Brady adjourned the public hearing at 7:19 p.m.

6. Discuss/approve/deny Resolution No. 01-2010; observation of holidays. Keith Brady said that January 1, 2010 has already passed and felt that January 1, 2011 should be on this resolution. **MOTION:** Keith Brady moved to approve Resolution No. 01-2010 amending the New Years Day holiday to be January 1, 2011. Kent Johnson seconded the motion. **VOTE:** Dan Harrison, Kent Johnson, Irene Daw, Philip Engleman and Keith Brady voted aye. The motion carried.

7. Discuss/approve/deny Resolution No. 02-2010; setting of meetings. Conae Black suggested moving the January meeting to the second Wednesday of the month so as not to conflict with the Canal Board meeting. **MOTION:** Keith Brady moved to approve Resolution No. 02-2010 meeting schedule amending it to add January 12, 2011 at 7:00 p.m. **VOTE:** Dan Harrison, Kent Johnson, Irene Daw, Philip Engleman and Keith Brady voted aye. The motion carried.

8. Discuss/approve/deny Ordinance No. 2010-01; Impact Fee amendments. **MOTION:** Kent Johnson moved to approve Ordinance No. 2010-01 amendments to Impact Fees. Keith Brady seconded the motion. **VOTE:** Dan Harrison, Kent Johnson, Irene Daw, Philip Engleman and Keith Brady voted aye. The motion carried.

9. Discuss/approve/deny bids for web master. Robert Smith, Coralie Seright, Frank Anderson and Keith Brady submitted bid proposals. The first year set up costs went as follows: Frank Anderson, \$5,000, Keith Brady, \$1,000, Robert Smith, \$2,670, Coralie Seright, \$780. Art Hughes addressed the Mayor and Council representing his daughter Coralie Seright. He stated that Coralie Seright did not actually have a set up fee because she has already built the site. The \$780 is an annual cost for maintenance. Coralie Seright does not have a set up fee. Keith Brady said the proposal that he is leaning towards is Robert Smiths because we need to look at our web site as an investment and put on a good face for the city. It needs to be easily accessible and has all of the information that it needs to have on it. Also with Robert Smiths proposal city employees can be trained how to add pages to the web site so there is not any maintenance fees. Robert Smith will set it up and there is about a \$660 a year is a lease from Central Pointe System to use their system. Keith Brady went to other web sites from Central Pointe System and they look very professional. Central Pointe System is a company that basically puts a program together that Robert Smith will have to implement for Green River City. Mayor Brady asked if we could access this. Keith Brady said any one from the Council could add a page if they wanted to. The quarterly letter from the Mayor could be put on the web site instead of sending it to the web master to put on eventually. The same thing can be done with agendas, minutes and bids. It doesn't look like it should be very hard. Dan Harrison asked how long the contract was for. Keith Brady said as long as we are satisfied with it. Updates will be available so that we can redo the page if necessary. Dan Harrison said up front it isn't the lowest price but down the road it will be. **MOTION:** Keith Brady moved to approve the bid proposal from Robert Smith. Dan Harrison seconded the motion. **VOTE:** Dan Harrison, Kent Johnson, Irene Daw, Philip Engleman and Keith Brady voted aye. The motion was carried unanimously.

10. Discuss concerns of VISTA's procedure for handling nuisance complaints. Keith Johnson, a resident of Green River, addressed the Mayor and Council. He observed a group of youth taking pictures of his home and surrounding homes. He spoke with Joni Pace, The Director of the Green River Community Center, who is their supervisor and she explained they are working on future housing projects. He asked her what his home has to do with the project. He stated that Joni Pace said he had a good home and didn't need to worry about it. He then came to City Hall and asked what they knew about it. Conae Black and Karen Smith said they were not doing anything for the city that they were aware of but they had just come into city hall and requested a copy of the nuisance ordinance. He was wondering why the AmeriCorp VISTA's were taking these steps. He wanted to know where the photos were, where they will be, and who will have access to them. He did not feel their actions were ethical. He understood that the Community Center has come to the city and asked for money to help with their organization for the last several years and was stunned by the arrogance and audacity to come with open hands and ask for money from the tax payers and then slap their faces by these types of actions. He said to use the Community Center to strong arm our citizens is wrong. This is an organization that professes to help and this is help that the citizens do not need. He asked the city government to consider these things very carefully before any more money is allocated to the Community Center. As a taxpayer he does not appreciate his face being slapped by someone with their hand out. Whether it was implemented by the Community Center or the VISTA program he didn't think it

was good behavior. He doesn't think that Green River City should tolerate that. He feels that any further grant money for this organization be considered carefully and possibly even rescinded.

Jack Forinash responded to Keith Johnson's comments. He explained that he is no longer a VISTA but is still associated with the Community Center. He said the reason for the photos was in direct relation to the nuisance ordinance. In everything that they do they are trying to help the town. What they were frustrated with is the slow moving way of trying to get this town back on its feet and getting it going again, cleaning up the town and making it more presentable. They heard the discussion at previous City Council meetings about who was going to be the nuisance officer and that no one would want to do it because everyone knew each other. They thought because they are new in town and don't know very many people, they don't have any biases or grudges they could blanket the town and cover everybody. Their idea is to look at every instance throughout the town and see what they could do to help those people bring their property up to compliance. Kent Johnson asked if they got permission from the property owners to take the pictures and ask them if you could help. Jack Forinash said they have spoken to multiple individuals and helped many times as a volunteer service organization. They have been more than willing to help people to bring their properties up to code. Conae Black said there have not been any nuisance complaints submitted. Keith Brady asked if he was aware that the city now has a code enforcement officer. He said yes. Their main concerns were the buildings that have been vacant or abandoned and are unsightly and dangerous. They do not intend to submit trivial complaints. The idea is a survey of the town to see where we stand and what we can do to help. We also have students from the University of Utah department of Architecture and Planning on a project to help the town and see where their needs are. There are many properties that need to be condemned, torn down or fixed that they know about. It is imperative that we start cleaning up the town. What they had planned on submitting were the vacant and abandoned properties around town.

Keith Johnson wanted his question answered on where the photos were and who will have access to them. He wanted to know what authority they had on deciding what property was abandoned or vacant. He stated that one man's trash is another man's treasure. He was concerned about infringing upon someone else's rights.

Jack Forinash responded that the photos are digital and on their cameras. There was more discussion on who gave them permission, why they thought they could take the pictures and the legality of them taking those pictures. Sergeant Mitch Vetere said if they happened to take a picture of a house and capture someone in that house in their underwear then it would be a crime. Maria Sykes said that she didn't want to see anyone in their underwear she was taking a photo of the house not people. There was more argument and discussion on this action. Mayor Brady asked Sergeant Vetere if it is illegal to take a picture of someone's house. Sergeant Vetere said when you are on a public street you can take a picture of anyone's house. If you see something that is inappropriate in the picture of the house you could be charged with a crime. Maria Sykes said they did not reach their goal of capturing photos of all of the community because they were being intimidated so they stopped.

Mayor Brady said these youth have done a lot of good in this community. He believes their overall purpose is a very good one. They are here to help the community and they have been helping. They have been trying to round up affordable housing for people so they can have proper homes. In his opinion in their youthful exuberance to do their job they went out and started doing something they probably should not have done. In his opinion if you are going to take a picture of someone's house then you should ask for permission. Their overall purpose was not to hurt anyone. They are truly trying to help. It is true that we have hired a code enforcement officer. The City has determined the proper way to handle a complaint is the city doesn't even go around and look for problems. The citizens should bring their concerns to us. After the concern has been submitted then the Code enforcement officer will discuss it with the home owner. That is the proper procedure.

Tracy Hunter, Green River City's, Code Enforcement Officer, addressed the Mayor and Council. Last summer this group of youth was helpful in volunteering their time to clean up some property that needed to come into compliance with the nuisance ordinance. He knows that there is a lot more that needs to be done but it will take a while to do it. There hasn't been an enforcement officer for quite some time. With the help of everybody and not just this group he

thinks that we can have a lot better place. He hasn't had a lot of time to work with them but when he asked for their help they were there. If he sees property that need to be taken care he talks to the land owner and tells them they have problem and asks if we can work together to get it taken care of. He hasn't seen any of the pictures that they have taken but would like to see them because that is his job.

Jack Forinash said they genuinely apologize for what they did. They did not realize that what they were doing would be so emotional to the community. It wasn't their intention to get everybody upset. That was not their purpose. They were going to work with the city and the enforcement officer. He gave an example of vacated property that needs to be addressed. He also gave an example of the conditions of someone they are trying to help with housing and their current living conditions which indicate why they are trying to help. He explained that it doesn't do them any good to try and stab people in the back.

Edward Korycan spoke of his experience with Tracy Hunter as a Code Enforcement Officer. Tracy Hunter gave his rebuttal.

Willie Drawe expressed his opinion on the actions of the youth group that took the pictures.

Mayor Brady explained who this group of youth is and what they have been working on. He said they have written and received grants to serve their purpose and the city does not fund them. Keith Johnson asked if there was \$4,000 granted to the Community Center from the General Fund for the VISTA's. Mayor Brady said no. Keith Johnson asked if the Community Center has ever asked the city for money. Mayor Brady said yes.

Jack Forinash said if they could separate what they were doing from the Community Center. The Community Center is the host site for the VISTA volunteers but judge us for what they were doing and don't pin this on the Community Center. He apologized for taking pictures of their personal houses and stated they would not do that again.

11. Discuss/approve/deny allowing the Mayor to sign contract for 2010 CIB street improvements project. Dan Harrison said CIB accepted the grant from the City for 2.74 million dollars for street improvements. At the February meeting CIB will vote on this grant. He would like to expedite this project by empowering the Mayor to sign the engineering contract and CIB contract as they become available. The engineering fee will be about 10% of the project amount. **MOTION:** Dan Harrison moved to allow the Mayor to accept the CIB street improvements contract and the Engineers contract to oversee the CIB street improvements project. Keith Brady seconded the motion. **VOTE:** Keith Brady, Philip Engleman, Irene Daw, Kent Johnson and Dan Harrison voted aye. The motion was carried unanimously.

12. Discuss/approve/deny allowing the Mayor to sign contract with Engineers for 2010 CIB street improvement project. This agenda item was acted upon in agenda item #11.

13. Discuss/approve/deny letter to the State to extend the fall burn season. Keith Brady found out who he could contact regarding our burn season. He contacted Fire Chief Deputy Brent Haladay from the State of Utah. They had a good discussion on how to extend the burn season in the fall. He sent a letter to Jay Morris from the Utah Division of Air Quality. Mr. Morris responded that they want to work with the local officials. He continued to state that the burn regulations allow for some flexibility for circumstances such as Green River still being green during the State's fall burn season which is September 15th through the October 30th. To request a burn season in November our local fire marshal would need to submit a written request each fall to the State's office including the dates and areas of your county that would be allowed to burn. The same process is followed for an open burn process in the spring. It can be done either by the city or county wide however the fire marshals want to coordinate it. Your request will be evaluated and the fire marshal will be contacted only if there are reasons to deny the request. Keith Brady said he is looking for approval to get that letter written and sent off. Dan Harrison asked Keith Brady if he was looking for all of November for the fall burn season. Keith Brady said yes. Dan Harrison asked if we could ask for October 15th through November 30th. Keith Brady said that may not be allowed because they are giving us a six week window but we choose thirty days out of the six week period for the burn season. **MOTION:** Dan Harrison moved to allow

Keith Brady to write a letter to the State fire marshal asking for permission for our fall burn season to be from November 1st through the 30th. Kent Johnson seconded the motion. **VOTE:** Dan Harrison, Kent Johnson, Irene Daw, Philip Engleman and Keith Brady voted aye. The motion was carried unanimously.

14. Discuss/approve/deny requesting funds from Emery County Travel Bureau for a dinosaur project the JWP Museum to attract tourism. Dan Harrison said he spoke with County Commissioners Jeff Horrocks, Gary Kofford and Mike McCandless and was told the county is receiving about \$30,000 of transient room tax from Green River. Emery County Travel Bureau has committed to give Mill Site Golf Course \$15,000 a year for a period of 20 years. Because Green River generates that money the Travel Bureau is going to allow Green River to also receive \$15,000 a year for a period of 20 years to be used to promote tourism. They want to see tourism grow even more. The Museum Board has two projects they would like to see completed. One is a walking path along the river from the Museum to the Geyser. There are also some exhibit cases for dinosaur bones at the museum. He suggested that before we request these funds there should be something in concrete and stick with that project and see it through to the end. **MOTION:** Dan Harrison moved to approve applying to Emery County Travel Bureau for funds to do a dinosaur project at the John Wesley Powell River History Museum. Keith Brady seconded the motion. **VOTE:** Dan Harrison, Kent Johnson, Irene Daw, Philip Engleman, and Keith Brady voted aye. The motion carried.

15. Discuss/approve/deny department assignments.

Mayor and Council Department Heads

Pat Brady

Fire Department
Information Center
Medical Center Liaison
LEPS/CCC

Philip Engleman

Sewer Department
Water Department
Solid Waste
Equipment Operation & Maintenance

Irene Daw

Weed & Mosquito
Code Enforcement
Planning and Zoning
Board of Adjustment

Mayor Pro Tempore

City Recorder
City Treasurer
City Clerk
Public Works Director
Zoning Administrator
Enforcement Officer
Fire Chief
Emergency Services Director
Special Activities
Personnel Director
Emery County Rec. Board
City Attorney

Dan Harrison

Museum
B&C Roads
Streets & Alleys
Drainage

Kent Johnson

Parks & Rec.
Airport
Curb, Gutter and Sidewalk
Melon Days Chairman

Keith Brady

Web Site Manager
Chamber of Commerce
Travel Bureau
Buildings and Grounds

Conae Black
Loni Meadows
Karen Smith
Bryan Meadows
Bryan Meadows
Tracy Hunter
Howard Burnett
Karen Smith
Karen Smith

Kalynn Fail
Parsons, Kinghorn & Harris – Gerald Kinghorn

City Engineer	Johansen & Tuttle Engineering (primary) Hansen, Allen and Luce (secondary)
Airport Engineer	Armstrong Consultants
Economic Development	Director Kelly Bayles, Assistant Conae Black
Museum Director	Rey Lloyd Hatt
Finance Officers	All City Council Members
Budget Officer	Mayor Pat Brady

Municipal Building Authority	
President	Mayor Pat Brady
Vice President	
Secretary	Conae Black

Board Positions

Planning and Zoning (5 members)

Katherine Brown	term ends 2012
Amy Wilmarth	term ends 2012
Robert Smith	term ends 2010
Connie Copenhaver	term ends 2013
Ben Coomer	term ends 2013

John Wesley Powell River History Advisory Board (9 members)

Dan Harrison	term ends 2012
JoAnn Wetherington	term ends 2012
Charlotte Uptain	term ends 2012
Robert Smith	term ends 2012
Jo Anne Chandler	term ends 2010
Steve Pitt	term ends 2010
Rey Lloyd Hatt	term ends 2010
Orson Anderson	term ends 2010
Richard Seely	term ends

Board of Adjustment (5 members)

Calvin Bastain	term ends 2010
Allen Burns	term ends 2011
Roy Pfander	term ends 2012
Maxine Hall	term ends 2013
Kathy Ryan	term ends 2014

Mayor Brady read a letter from Loni Meadows expressing her desire to no longer serve as Personnel Director. He stated that he would respect her request but did not have another person to replace her at this time. Some of the comments from the Council were whether a Personnel Director was even needed. Mayor Brady said he would speak with Loni Meadows about it. Mayor Brady said that Roy Pfander has indicated that he no longer wanted to be the Animal Control Officer and since Tracy Hunter was already the Code Enforcement Officer he thought it was only natural to increase his duties to include animal control and all codes. Tracy Hunter is willing to take on that responsibility. Conae Black mentioned that the animal control officer was a job that was bid out and that is how the wage was determined. She asked if Mayor Brady is aware Tracy Hunter's wages would increase. Mayor Brady said yes, Tracy Hunter should get the same amount that Roy Pfander was getting.

MOTION: Kent Johnson moved to approve the Mayoral appointments. Keith Brady seconded the motion. **VOTE:** Philip Engleman voted nay. Keith Brady, Irene Daw, Kent Johnson and Dan Harrison voted aye. The motion carried.

16. Department reports. Conae Black reported that the city had their first IRS Compliance Check and was told that Roy Pfander and Tracy Hunter should not be considered contract laborers they should be city employees. Dan Harrison asked if Stan Parsons who does grounds maintenance was mentioned. Conae Black said Stan Parsons was already paid through payroll and not through accounts payable so the IRS considers him an employee. Dan Harrison disagreed. Conae Black said the IRS also stated that allowing city employees to take home city vehicles home is a fringe benefit and taxes should be taken from their pay. Keith Brady reported on the Diversion Dam meeting. A survey was sent out to the citizens of Green River asking if they would like to become part of the Emery County Special Service District or be on our own. The majority of the people felt we should start our own Special Service District. They have asked if the city would be willing to manage the Special Service District. They thought about \$15,000 a year could be generated from the taxes on the Special Service District. Kent Johnson was opposed to this specific special service district because he felt all citizens would be taxed any not all would benefit from it. Philip Engleman said the rebuilt lift pump at the river intake went out again. The rebuilt pump doesn't seem to be holding up. It will cost \$2,000 to \$4,000 to purchase a new one. This rebuilt pump was under warranty but has been taken back in two to three times already and the warranty does not cover it any more. Dan Harrison publicly thanked Kathy Ryan who works for UDOT for helping out with snow removal on the city streets. The County has also stepped up and helped. Kent Johnson stated there is a State Representative that wants to take away snow removal from the department of transportation and hire it out privately. He feels that would not be a good idea and suggested we contact our State representative and express our concerns with that idea. Philip Engleman suggested the city get another snow plow and a sander for our pickups. Mayor Brady said that Allene Swan received money from the city to paint a mural on the side of the building at the city shop and applied for a matching grant which she did receive from the Utah Arts Council. He mentioned some upcoming conferences and encouraged anyone to attend. He thanked the museum staff for the handling of the Water Rights hearing.

17. Adjourn. Keith Brady moved to adjourn. Dan Harrison seconded the motion. The meeting adjourned at 9:03 p.m.

Pat Brady, Mayor

Conae Black, City Recorder

Approved: _____