

# *City of Green River*

460 East Main Street, Green River, Utah

City Council Minutes

Regular Meeting

Tuesday, August 11, 2015

**ATTENDING:** Mayor Pat Brady, Council Members Kathy Ryan, Philip Engleman and Gary Riches; Employees Conae Black, Bryan Meadows; Citizens Kathy Brady, Bridget Meadows, Travis Bacon, Samuel Bassett, Armando Rios, Dan Richards, Kim McFarlane, Catherine O'Bryant, Chris Lezama,  
**ABSENT:** Michael Silliman and Penney Riches

**CONDUCTING:** Mayor Pat Brady, the meeting began at 7:03 p.m.

## **ORDER OF BUSINESS:**

The Pledge of allegiance is directed by Michael Silliman.

1. Discuss/approve/deny consent agenda. **MOTION:** Kathy Ryan moved to approve the consent agenda. Philip Engleman seconded the motion. **VOTE:** Kathy Ryan, Philip Engleman and Gary Riches voted aye. The motion carried.

Minutes for June 9, 2015 regular meeting  
June 2015 Recorder's financial report  
July 2015 Treasurer's report  
August 2015 Payment Approval report.

2. Discuss/approve/deny appointing Kerry Goldman to the Planning Commission. Mayor Brady stated that Mr. Goldman has expressed an interest in serving on this board. Kathy Ryan said the Planning Commission is in need of members in order to even make a quorum. **MOTION:** Kathy Ryan made a motion to approve appointing Kerry Goldman to the Planning Commission. **VOTE:** Kathy Ryan, Philip Engleman and Gary Riches voted aye. The motion carried.

3. Discuss/approve/deny contract with Johansen and Tuttle Engineering. Mayor Brady said this contract is for engineering services for the Master Plan at the West Industrial Park. They have already put in a lot of time and planning for this. Besides Emery Refinery there is a Sand Mining Company, the Nuclear Plant, a solar farm and a uranium mining mill looking at the Industrial Park. We need to get a handle on our roads and utilities so the park is under our control and we know what is going on. Gary Riches asked what the fees were for this service. Conae Black said she doesn't know if they have really come up with a price because no one knows how many hours this will take or exactly what kind of engineering services will be needed. Mayor Brady said Johansen and Tuttle Engineering are already involved and they would feel more comfortable continuing on with a contract in place. Gary Riches asked if the city could seek other engineering services or is the city obligated to just Johansen and Tuttle Engineering. Mayor Brady said there is a whole team involved with planning the Industrial Park. The team members are Craig Smith, the cities attorney along with members of his staff, Mayor Brady, Conae Black, Jordan Lenard, Emery County's Economic Development Director and Mike McCandless from Epic Engineering. They are usually phone conferences and Mike McCandless is a part because of his previous involvement with developing the park. It is a joint effort but they are in charge of the civic engineering for the park in figuring out the water or street needs. Gary Riches asked what the cities contractual obligation to Johansen and Tuttle once we enter into this contract. Conae Black said it means the city will use them to help develop this plan. The engineers hold one of the largest roles in this plan. Kathy Ryan used an example of engineering making sure the roads are mapped out the best way. Mayor Brady said the city has been very fortunate so far in getting all expenses paid for professional services by Emery Refinery. Kim McFarlane said the property has

not been annexed and asked if this could create a problem. Mayor Brady said Emery County will not get in the way of Green River City. Kim McFarlane asked what the city's plans were if the annexation did not go through. Mayor Brady explained that the city has been waiting for Emery Refinery to sponsor the annexation. We have given them a deadline and if they don't do that then we will go with someone else. We do not need them to sponsor this annexation. We already have enough signatures from other property owners to go ahead with the annexation. **MOTION:** Gary Riches made a motion to approve the contract with Johansen and Tuttle Engineering. Kathy Ryan seconded the motion. **VOTE:** Kathy Ryan, Philip Engleman and Gary Riches voted aye. The motion carried.

4. Discuss/approve/deny Memorandum of Understanding with Utah State Parks. Mayor Brady submitted the MOU via email to City Attorney Jeremy Cook to review. Jeremy Cook responded that he made some formatting and structural changes to make it read a little better. He said although the agreement could be adopted in this form he had a couple of concerns. First, the indemnification provision is extremely broad and basically requires Green River to indemnify against any injuries or damage to property (whether City or third party) that is in any way related to Green River's use of the property. Although this is not uncommon, it is always a concern. He did add a couple of sentences at the end requiring them to provide timely notice, which is always critical in an indemnification matter. Second, the agreement can be terminated by the Division by providing 90 days' notice and any improvements would revert to the Division. If the City constructs pavilions, bathrooms, ect, those improvements would go to the Division if they terminated. Finally, a MOU is typically a non-binding agreement that just establishes potential terms for a future binding agreement. Thus, he would prefer to have just an agreement (or a lease agreement) as opposed to an MOU since this is intended to be a binding agreement. He didn't change it because he is not sure if the Division wanted an MOU as opposed to a formal agreement for some reason. Mayor Brady said Samuel Bassett took this advice and made the changes to the document from an MOU to an Agreement. **MOTION:** Kathy Ryan made a motion to approve an Agreement with the Utah State Parks. Gary Riches seconded the motion. **VOTE:** Kathy Ryan, Philip Engleman and Gary Riches voted aye. The motion carried.

5. Discuss/approve/deny painting curbs. Mayor Brady said he had a visit from a concerned citizen and one of the things that she brought up is the fading curbs. He would like to get some of the youth groups involved in repainting these curbs. Kathy Ryan said there are certain regulations to be followed when painting these curbs. **MOTION:** Kathy Ryan made a motion to approve painting the curbs to the proper regulations. Philip Engleman seconded the motion. **VOTE:** Kathy Ryan, Philip Engleman and Gary Riches voted aye. The motion carried.

6. Discuss/approve/deny installing concrete basketball slab at the Pirates Den. Kathy Brady said basketball is a huge thing in Green River and Emery County Recreation donated a basketball stand to CHEER. She would like to have a court constructed at ground level with a five inch depth so it can withstand the weight of the work trucks coming onto the property to get bulk water. CHEER will work with Bryan Meadows for the best location on the property. Kathy Ryan asked if the location would be close to the building. Kathy Brady said the basketball stand will be close to the chimney and the cement will stop at the water meter. **MOTION:** Gary Riches made a motion to approve the installation of a concrete basketball slab at the Pirates Den. Philip Engleman seconded the motion. **VOTE:** Kathy Ryan, Philip Engleman and Gary Riches voted aye. The motion carried.

7. Discuss Building Inspector fees. Mayor Brady said he put this on the agenda because we have a concerned citizen who stated the high building permit fees are not encouraging people to build. He has not looked into it to see how the fees compare to other communities. Gary Riches said we want to encourage people to build. Philip Engleman said it costs money to put in utilities. He felt Emery County's building permit fees were high when the city contracted with them for building inspections. Mayor Brady said most Building Inspectors get 70% of the building permit fees. Gary Riches asked why the city charges so much money for a permit. If someone wants to build then the city should encourage that. A permit is just a license to build. Bryan Meadows said

there is a lot more than just a piece of paper. A building inspector reviews the plans and there could be up to six or seven inspections on the work being done. There is an inspection on the plumbing, the rough in of the 4 way, the footings and foundations and other different inspections. Gary Riches asked if the building permit covers all of the plan reviews and inspections. The answer was yes. Gary Riches said he just learned something. Mayor Brady asked if the city had a list of the fees. Conae Black said yes. The fees are based upon the value of the project which includes all of the materials or labor. Catherine O'Bryant stated the fees are not assessed the same for everyone. Conae Black said the fees are the same for everyone. Catherine O'Bryant said not everyone is charged a fee. There are some places in town that do not meet code and are not assessed a fee. How do you single out one person and make them pay a fee but not others. Conae Black said that is something an ordinance enforcement officer would handle. Catherine O'Bryant asked why the city singles out one person and not others. Mayor Brady said probably because the city does not have an Ordinance Officer at this time and no one knew about it. We don't see everything that is going on and that is why some people will slip by. If people would tell us then the city would charge. Conae Black said you are required to get a building permit when you reroof or when you change out your water heater and a lot of people are not aware of that. Mayor Brady asked if that was State law. Conae Black said yes because of the electrical and gas connections. Catherine O'Bryant asked if the City's rates are the same as other communities. Mayor Brady said he didn't know if they are and has not studied it out. Philip Engleman said thought the rates were the same as Emery County's rates. Mayor Brady thought the rates were close to Emery County's rates. Kathy Ryan said the city could look into it. Mayor Brady said he would contact other Mayor's and ask what their building permit fees are. Conae Black said Randy Erwin is the person who suggested the building permit fees were too high and he also suggested the city should hire a building inspector rather than contract with someone. Philip Engleman said we would need to be a bigger city in order to afford our own building inspector. Bryan Meadows said he took the building inspector plumbing test and that is the only test he has ever failed. It is difficult to become certified to become a building inspector. He found that there is not enough building going on in Green River to warrant hiring a building inspector. Your jobs are far apart and you forget what you learned. Philip Engleman said Sunrise Engineering was very good to work with. Conae Black said Trenton Bennett is also very good to work with and very accommodating. Philip Engleman thought Trenton Bennett was no longer under contract with the city. Mayor Brady said he is still under contract but is not here to catch all of those people who are in violation. Conae Black said finding those in violation is not the responsibility of the building inspector it is the responsibility of an ordinance officer.

8. Discuss/approve/deny hiring a temporary grant writer. Mayor Brady said the next two agenda items were requested by Michael Silliman and he is not here. He asked Conae Black if she knew what Michael Silliman wanted. Conae Black thought Michael Silliman was frustrated with the tree grants. Karen Smith wrote a grant for caring and purchasing trees and no one has been able to find out how to access that funding that was awarded to the city. She said Michael Silliman has never asked her to write for any grants. She would do whatever the Council wanted but felt if an outside grant writer was hired he/she would not have access to all of the information needed for the grant and she would just end up helping this person anyway. Mayor Brady asked that this agenda item be tabled in the absence of Michael Silliman.

9. Discuss/approve/deny installing power at the Shooting Sports Park. Mayor Brady asked if there was power close to the Park. Gary Riches said he didn't know how far away the power is but felt it was quite a distance. Philip Engleman thought it was going to cost about \$5,000 or more to bring power to the park. Right now in order to operate the trap house they are using personal generators. Double E Construction has been doing a lot of work at the park but running conduit would be the next step. Kathy Ryan said she spoke with Michael Silliman and he is donating the conduit. There was a little discussion on this but without Michael Silliman present it was decided to table this agenda item.

10. Department and employee reports. Mayor Brady read a written report from Penney Riches. She stated the strategic action plan is nearly complete. The Museum non-profit Board is getting

stronger and better. The outside bathrooms will be under repair. Samuel Bassett reported on the progress with the trails. He said a survey has been completed on Monument Hill so they have an idea on how much land they have to work with. They are working on a grant to submit to help with the Tuscher Canyon trail. They have been attending the Emery County Trails meeting to make sure Green River City is not competing for funding. They have created an action plan for each proposed trail. Mayor Brady asked each member of the Council to sign the thank you note for Jackie Nelson for the great work she did in representing Green River City in the display at the Emery County Fair. Bryan Meadows reported they have had two water leaks this month. He said the plumbers working on the bathrooms at the museum sent a camera down the sewer line and found a sag in the line which creates a problem with solids building up there. He will try to unplug at the clean outs with the jet rodder. He was slower at getting the ponds cleaned out at the water treatment plant this year and they had more mud build up than he has ever seen and it made that a big project. They have been trying to focus on weeds. He asked the Mayor and Council if they knew of anything that he had missed and should be doing. Kathy Ryan and Gary Riches said everything is looking great. Gary Riches publicly thanked Tracy Johnson for the good job he has done on the parks. He also thanked Bryan Meadows for his quick response in clearing off the tree limbs on Farrer Street after the last storm. Kathy Ryan said there is some safe sidewalk money available. She would like to replace sidewalk to the Elementary School and get some sidewalks to the High School. The street signs are here but not the poles which should be coming soon. Kim McFarlane asked if the city would talk to Mary Winters when they get ready to chip seal some roads. The parking lot at the Medical Center needs to be chip sealed. Kathy Ryan said she and Philip Engleman have asked for a quote on repainting the parking stripes at the museum, city hall, highway patrol building and the medical center along with meeting the stripping requirements for the railroad. There have been a lot of Outbound volunteers who have been helping GRIT out. They helped with placing the Spanish Trail silhouettes. Chris Lezama reported on the Melon Days activities. There will be the community meal, duck race, melon carving contest, melon eating contest, melon run, Queen Pageant, seed spitting contest, square dancers, movie in the park, a shooting tournament, golf tournament, parade, pancake breakfast and softball tournament. Gary Riches said last year there was a conflict with the square dancers and the bands and asked if that was resolved. He said the Epicenter is trying to create quality events. They are going to try and get a head count of how many attended Melon Days by counting how heads at the parade. Philip Engleman said he picked up the new fire truck. He attended the Fire District meeting and they received the Mayor's email regarding the assessment. He would like to improve the drainage at the bulk water station before winter sets in. Mayor Brady suggested he get with the engineers. Conae Black said Gray Canyon Energy would like a conversation with the city to discuss applying for CIB funds for improvements to the road, bridge, sewer line and putting in a natural gas line. Jim Anderson has already been in touch with Candace Powers, Director of CIB. They are not eligible to apply for CIB funding. Mayor Brady said Jim Anderson has not contacted him. Conae Black said she sent an email to him explaining this and asked for a meeting with him. She asked what the status was on the RAP tax. Mayor Brady said he spoke with a couple of people and asked one to write up a statement in favor and one to write up a statement in opposition. Gary Riches gave praises to the fire department for the great fireworks show on July 4<sup>th</sup>. The fire department is quite right now and they like that. He thanked Chris Lezama for his report on Melon Days. He is waiting to see what happens with code enforcement and animal control. Mayor Brady said he thinks he will separate out those duties and repost the jobs. He said EMS is going further and further downhill with Emery County. Green River is getting fewer EMT's that will run. Kathy Ryan asked why the Commissioners are not seeing the chaos. Gary Riches said he does not have all of the answers but knows the State did get involved. Mayor Brady said the State has not made a final decision yet. There was more discussion on the poor state of the EMS services. Mayor Brady said the city needs to talk about hiring a director and eventually taking over the EMS services. The City is not financially prepared to do that at this time. The concern is there could be law suit if something is not done. Mayor Brady said we only received one application for the Crossing Guard and two applications for the Ordinance officer. He found out through Bill Rees that if the city wants an assessment on the whole town then we will need to submit a different application for that. Right now we are only going to do an assessment on the old Premium Oil property now owned by the city. He reported

on the Beehive Drive event and passed out a trinket. He was really impressed with this organization. They gave Green River City \$2,000 for the community good such as the parks or trails, \$8,500 for scholarships which the Council needs to decide how to distribute.

11. Adjourn. The meeting adjourned at 8:25 p.m.

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Pat Brady, Mayor

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Conae Black, City Recorder

Approved: September 8, 2015