

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
APRIL 11, 2013

7:15PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting;
Peter Gerlach, Todd Christensen, Karen Cronin, Jana Nelson, Marci
Satterthwaite

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Dale Weese, Chief of Police
Scott Hancey, Sergeant

OTHERS PRESENT: Tesla Hancey, Lani Braithwaite, Don Higley, Jennifer Hansen, Fedric Donaldson,
Jay Decker, Paula Smith, Jeff Fairbourn, Reese Nelson, Gary Jones, Ryan Hodges

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Mayor Nelson offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Christensen 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

- Eliptically LLC DBA Tieclip.com – Business Owner, Brett Young

Mayor Nelson said this business sells tie clips online; there is no visiting clientele.

MOTION: Council Member Cronin made a motion to approve the business licenses for Brett Young's
business Tieclip.com. Council Member Nelson seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

C. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)

Susan Obray passed out the warrants.

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS

Mayor Nelson asked the CERT Team for an update. Jay Decker, CERT Chairman, advised that in the
recent CERT meeting, elections took place. The following officers were selected:

- Chairman – Jay Decker
- Co-Chairman - Charilie Smith
- Secretary - Paula Smith

- Communications Chairmen - Boyd & Doris Giles
- Treasurer - Amber Morell
- Training Chairmen - Jason Moser & Ken Reddington
- Phone Tree Chairmen - Lenae Shaw & Kathy Sumko
- Equipment Chairman - to be selected

Jay said no donation chairman has been selected because they have not had much activity in fundraising over the last two years. He said they will be moving the CERT meetings to the 4th Tuesday of the month. He reviewed accomplishments over the last year, stating that the CERT Team obtained and constructed emergency tents for mobile command centers. They are also working to get the Promontory School staff CERT trained. Jay asked that the selected officers to be approved in a future Council Meeting. Council Member Christensen said there is the Great Utah Shake Out (Earthquake/Emergency Drill) next week. Jay said the CERT Team will be participating in the Shake Out and has emergency preparedness drills planned for the area.

Mayor Nelson opened the meeting for Public Comments.

Lani Braithwaite expressed appreciation for the City attempting to grade 3450 South. She said that the grader had an issue (flat tire) when this was being completed and now the residents along the street are dodging big rocks. She asked that the grading be completed as soon as possible.

Reese Nelson repeated Lani's request to get the roads graded as soon as possible. He also expressed concern regarding the polling location for elections being changed to Promontory School. He said he feels there will be a lot of problems if the location is changed. He said people are used to voting at Three Mile Creek Elementary. Mayor Nelson asked who selects the polling location. Duncan Murray advised that this is selected by the City Recorder, Susan Obray. Susan said she made the decision to change the location because she felt that there was more room at the Promontory School and it gives the voters more privacy. Susan said she sent a letter to the Principal of Three Mile Creek Elementary, expressing appreciation for their help in the past and advising that the City would still like to hold the Oath of Office ceremony and Meet the Candidates Night at Three Mile Creek Elementary. Reese Nelson said his only concern is that people will be confused. He thinks that people should be able to continue to vote at the same place they always have. He said the County is planning to continue to use Three Mile Creek for all of the elections they manage. Duncan asked if the Mayor would like the issue to be on the next agenda for discussion and action. Mayor Nelson said yes. Susan said the decision needs to be made soon, so that the location can be advertised to the public.

ITEM 4: LAND USE ISSUES

A. DISCUSS APRIL 4, 2013 PLANNING COMMISSION MEETING

Duncan Murray reviewed what occurred in the meeting. He said they discussed Ordinance 13-P to allow for Planned Residential Unit Developments (PRUDs). He advised that an application will be submitted by the Brad Barto condominiums to reclassify the development as a PRUD if the Ordinance is approved. They also reviewed a concept application for a subdivision. Don Higley said the Planning Commission agrees with the PRUD Ordinance because it allows buyers to get loans on the units, which enables the owners of the units to sell them much easier.

B. MOTION TO WAIVE "TWO WEEK RULE" TO DISCUSS AND/OR ACT ON ORDINANCE 13-P

Mayor Nelson explained that this Ordinance does not change the development other than reclassifying (or renaming) it. Therefore, he feels comfortable with waiving the two week rule. Duncan Murray said developments will still need to apply for the reclassification and the Planning Commission and Council would review this application prior to approval.

MOTION: Council Member Cronin made a motion to waive the two week rule and allow discussion and action on Ordinance 13-P tonight. Council Member Christensen seconded the motion.

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

C. ORDINANCE 13-P TO ALLOW RESIDENTIAL CONDOMINIUM DEVELOPMENTS TO BE RE-DESIGNATED AS PLANNED RESIDENTIAL UNIT DEVELOPMENTS

Mayor Nelson asked what the difference is between Condominiums and Planned Residential Unit Developments (PRUDs). Duncan Murray said you could create two identical developments, one designated as Condos and the other as a PRUD, and you would not be able to tell the difference. He said the only difference is that a PRUD has to be in a townhouse format or a one-level format, so that if you go from the air to the ground there is only one owner. A condo could have an owner on the bottom level and a different owner on the second floor. He said in order to be classified as a PRUD, you have to meet the following 6 criteria:

1. Permits for occupancy for all of the residential units must have been issued on or before April 1, 2013;
2. Covenants, Conditions, and Restrictions and/or a Homeowners Association Agreement must be in place for the residential condominium development;
3. The president of the Homeowners Association or equivalent organization must sign the application;
4. All of the owners of all of the residential units present at a regular homeowner’s meeting shall also sign either the application or letters or statements attached to the application, each homeowner certifying that they would like their units and their development to be re-designated as a Planned Residential Unit Development, and that if Perry City grants the application, then each homeowner agrees to indemnify and hold the City harmless for its actions in granting the application;
5. The legal description of each unit shall be “clear to the ground” (including all levels or floors), and individual units may thus not be above or below each other; and
6. There may be no interior (or internal) fencing of any common area for any approved “re-designated” PRUD.

Duncan said an application for re-designation would be reviewed by the Planning Commission (and then by the Council) prior to approval. If approved, a new plat map would be recorded with the County. Council Member Cronin asked what the hand written change on the Ordinance is. Duncan said there is one section that has been added to the Ordinance, which would require that all state laws regarding financial reserve requirements would still remain in effect as if the development was still condos. He said the reason for this is that a resident brought an issue up that many Homeowner Associations do not keep up enough reserves to correct issues in a development. This requirement would help to ensure that funds are available to address these issues. Jeff Fairbourn, Treasurer of the Barto Homeowner’s Association, said that they have reserve funds and they would be able to meet this requirement. Council Member Cronin confirmed that this Ordinance is for developments that already exist and that meet the criteria. Duncan agreed. Council Member Cronin said there is one application now for the Brad Barto development, but there are developments north of there that could also qualify. Council Member Christensen asked what the process is for the Brad Barto development if this Ordinance is approved. Duncan said that they have submitted an application and plat, which is being reviewed by our Engineer. He said the Engineer will review this and give a staff recommendation to the Planning Commission. The Planning Commission will review and give a recommendation to the Council, and then the Council will review and take action; if approved, an amended plat will be filed with the County. Council Member Christensen asked if fees are in place to cover any work that must be done. Duncan said there is a \$500 fee and it should cover any expense related to the process. Jeff Fairbourn said that the only issue he can

see is that PRUDs are strictly for residential developments, and there are three commercial units in the front of the Barto development. Duncan said the entire Barto development is a PUD with 17 units. The front 3 units are commercial and the 14 residential units in the back are the units that would be re-designated as a PRUD.

MOTION: Council Member Cronin made a motion to accept the Planning Commission's recommendation and approve Ordinance 13-P to Allow Residential Condominium Development to be Re-Designated as Planned Residential Unit Developments, with the added verbiage to paragraph 3 as presented. Council Member Nelson seconded the motion.

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

D. PRESENTATION BY LAURA AULT, SOVEREIGN LAND PROGRAM MANAGER FOR THE STATE OF UTAH

Mayor Nelson advised that Laura Ault is sick and could not attend, but she sent other staff members: Fred Donaldson, Attorney for the Division of Forestry State Lands; and Jennifer Hansen, Sovereign Lands Specialist; to present to the Council. Mr. Donaldson advised that they just finished planning for the lands around the Great Salt Lake. There had been a moratorium on all permits and leasing around the lake. That moratorium will expire after the appeal period has past. He said the State is supportive of the idea of granting Perry City a permit to manage a parcel of State Lands around the land owned by Perry City, where the gun range is located. He presented a map of the area for review to the Council and those present. He said the parcels to the north of the Perry City-owned land is the land that would be leased. The stipulation is that the gate giving access to the area would remain open during hunting season. He said the area could be closed when the Bear River Migratory Refuge closes their land for nesting, etc. Jennifer Hansen presented the Mayor with the application to request the leasing of the land. Mr. Donaldson said the land to be leased is currently measured at 130 acres. Council Member Christensen asked what stipulations will be listed in the contract. Mr. Donaldson stated the only stipulation is that the land is open to the public during the hunting season. Mayor Nelson asked if parcel #258-0006 can be squared up to allow for the overshot area at the gun range. Mr. Donaldson said the State could consider this. He asked Chief Weese to contact Laura Ault regarding this. Mrs. Hansen said once the application is received, they review to see if it is within the guidelines required to permit the use. She said it will then go to the Resource Development Coordination Committee with the Governor's Office of Planning and Budget. It will then go through a 30 day public comment period. She said the entire process takes approximately 60 days. Mayor Nelson said he and Chief Weese would get working on the application and get this turned in as soon as possible.

ITEM 5: FINANCIAL AND PUBLIC UTILITIES, AND TECHNOLOGY ISSUES

A. FINANCIAL APPEAL BY DALE WEESE REGARDING OVERAGES FOR CULINARY WATER

Mayor Nelson stated that Dale Weese has installed a new water line to correct the issue and now the Council has to figure out what kind of financial arrangement the City will make with the resident regarding the water overage fees. Mayor Nelson said he was not sure what to do with this because the City inspected the line as it was put in. It was installed off of the Weese property and there was nothing that could be done to correct the leak until spring, because of frozen ground. Dale Weese said the line was placed under a road, which is an access road for dual properties. Susan Weese said it has multiple 90 degree turns in the water line; this has affected water pressure, and ultimately probably caused the break in the line. Dale Weese said they dug up the concrete floor in their basement and installed a new line in order to correct the issue. Council Member Cronin asked if the developer placed the line. Dale said yes. Council Member Cronin asked if there are any escrow funds available to help with this issue. Mayor Nelson said the escrow was taken because the development went "belly up".

Council Member Cronin said in the past the City has credited the first month of water overage. Mayor Nelson said this is when the line is located on their property; this line was installed off of the resident's property, and out of their control. Susan Weese said the first month would be the majority of the bill. Mayor Nelson said when they asked Paul Nelson about fixing the line, he said the frozen ground would be an issue. Dale Weese said they corrected the issue as quickly as they could and ran water from a garden hose in the interim so they could stop the leak. Council Member Satterthwaite asked if this is the City's fault. Mayor Nelson said the City was not at fault; it was the Developer's issue, but the City did inspect the line and he said he is not sure why this was approved or allowed to be the way it was. Council Member Satterthwaite said the City approved this. Council Member Cronin said yes, but this also went through the Planning Commission, and an Engineer also approved this. She said she would hate to set a precedent of taking responsibility for something approved by the Engineer. Mayor Nelson said the City does need to be careful of what they do here, and he thinks the City should have caught this in the beginning. Council Member Cronin said the City simply inspected the approved engineering, so the problem is the poor engineering by the developer. Duncan Murray said this lot already existed, so no engineering took place on the line to this lot.

Council Member Cronin said that because it was a developer error, the City could credit half and use the escrow to cover, but there is no escrow. She said she sees that as the first remedy and because this first remedy is gone, the other precedent for addressing these issues is crediting the first month, which is around \$400, which does not put the City in the position of accepting responsibility and having others approach the City with similar issues. Council Member Satterthwaite said because the line is not on their property, she sees this issue as different than other water leaks from the past. She said with the prior cases the leak has been in their home or in the line on their property. Dale Weese said Paul Nelson inspected the line; it was not installed correctly, and because of the incorrect installation the line broke. Council Member Cronin said again that this was inspected per the engineering for the development. Mayor Nelson said this is the developer's mistake. Dale Weese said he is concerned that there are issues with his sewer line as well. Dale suggested looking at what the engineering for the development and his home. Council Member Cronin recommended tabling the issue until this can be reviewed.

MOTION: Council Member Cronin made a motion to table the financial appeal by Dale Weese Regarding Overages for Culinary Water until more information can be obtained. Council Member Christensen seconded the motion.

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

B. APPROVE A PROPOSAL FOR PART-TIME PLANNING ASSISTANCE FROM JONES & ASSOCIATES

Council Member Cronin said in an effort to free up some of Duncan Murray's time, they have worked with Brett Jones of Jones & Associates to get an individual to provide part-time Planning Assistance. She said Jones & Associates has agreed that for \$500 a month they would provide someone for two half days, Monday morning, and Thursday afternoons (including once a month Planning Commission meetings). She said the person has started working with the City and Duncan Murray said he is working out really well. Council Member Cronin said at times the City may need his assistance for more than 8 hours a week. She said if this is the case, the city will pay \$24 an hour, and because of their business needs, Jones & Associates cannot provide his availability for more than 12 hours a week. She said she ran this by the Mayor and Duncan and they feel this fits into the amount of time they need.

Council Member Cronin stated they are seeking approval to work with Jones & Associates and one of their Planners for a fixed rate of \$500 a month, for 8 hours of work per week, and any additional time worked by the Planner at \$24 per hour, not to exceed 12 hours a week, unless in writing from Jones & Associates. This approval would be for 3 months, and at that time if this is working out it can be made more permanent. She said that Jones & Associates has asked that this individual not be referred to as the

Perry City Planner, but as a Planner working with Perry City through Jones & Associates, as this poses a liability issue for them otherwise.

MOTION: Council Member Cronin made a motion to approve the Proposal for Part-time Planning Assistance from Jones & Associates and to have Duncan begin working on drafting a contract to allow for \$500 a month for 8 hours of service per week, and any hours over this to be paid at \$24 per hour, not to exceed 12 hours per week. Council Member Nelson seconded the motion.

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

C. APPROVAL OF WARRANTS

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

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

D. REVIEW OPTIONS FOR A FUTURE LOCATION FOR A UTA FRONT RUNNER STATION

Karen Cronin reported that she and Duncan attended a meeting with the Utah Transit Authority (UTA) and they would like to have a plan in place. They are encouraging Willard, Perry, and Brigham City to get together and select a location for a Front Runner Station. She said one email received from a UTA officer stated that the land purchased at 800 West is for a park and ride location. They found out at the meeting that the bus stop located at 800 West has been eliminated because of lack of use. She said they are not going to get in the middle of where it goes, but they would like the Cities to come to a consensus. Council Member Cronin said they reported that our bus system is being subsidized at about 15%. Mayor Nelson said this would indicate that they are not going to be willing to fund a Front Runner expansion. Council Member Cronin said they did mention that the Pleasant View station has re-opened, which shows interest is going up. Mayor Nelson recommended a meeting be set up with the neighboring cities. She recommended Mayor Nelson get “buy in” from the Mayor in Willard and the Mayor in Brigham. He said he has brought this up in the past and this caused a lot of conflict. He said he prefers to have a meeting with the Mayors and UTA. She said UTA is helping Perry’s cause to get the Station located in our City. They established that there is no land purchased at this point for a Front Runner Station, and also talked about cost. She said UTA said the lower the cost, the sooner you will get it. Every mile of track is \$2M. Mayor Nelson said to redo the overpass it would cost \$20M. She said so without taking sides, UTA helped Perry’s cause. Mayor Nelson asked if anyone had any issue with him and Council Member Cronin meeting with UTA. No Council Member had any issues.

E. REVIEW OPTIONS TO ALIGN WITH A REGIONAL PLANNING ORGANIZATION FOR TRANSPORTATION PLANNING PURPOSES

Duncan Murray stated that Council Members Christensen and Cronin attended meetings looking at the Cache option and will attend a future meeting to review the Wasatch Front option. Mayor Nelson asked if they need that meeting or if they already have a decision. Council Member Christensen said the communities involved need to meet together outside of the Planning meetings to discuss the options. Council Member Cronin said that the County said they will go with the majority. Council Member Christensen said Cache County presented some interesting options and presented that we would have more control for funding, but when looking at the transit corridor, he was not sure how the city would align with Cache County. Mayor Nelson agreed that Perry doesn’t align well with Cache County. Weber County aligned much better with UTA and commuters traveling to their area, etc. Council Member

Cronin stated that if we went with Cache County they would allow local control over the funds available (approximately \$400,000 each year). She said if we go with Wasatch Regional, the \$400,000 goes into their pot and we have 1 vote out of 17, as to where this is spent. Council Member Christensen said it is a possibility we could stay with Cache, collect our \$400,000, and then move to Wasatch Regional and collect the \$1.6M for the 1100 South project 4 years from now. Council Member Cronin said there are pros and cons on both sides. Mayor Nelson asked that a meeting be set with the other communities involved to discuss and select a group to align with.

F. DISCUSSION REGARDING THE CURRENT LEVELS OF IMPACT FEES AND POSSIBLE CHANGES TO CONSIDER

Duncan passed out a sheet showing the average building permit cost, stating the average permit costs \$15,000. He asked the Council to review the fees and said they will further review the impact fees at the next meeting. Council Member Cronin said a few years back there was a study of fees in comparison with other communities and asked that this be sent to the Council for review as well. Duncan said he would get this out to them. Council Member Christensen said there was an impact fee study completed by Lewis, Young, Robertson, & Burningham and the current fees were based off of this. He said the final result may need to be adjusted. Duncan Murray said to keep in mind that you do not need to adopt the highest amount possible; you can adopt a lower amount.

Council Member Satterthwaite said she felt that these fees were just reviewed and asked why they are being looked at again. She asked if people are stating the fees are too high. Duncan said some people are. Council Member Satterthwaite said the fees are very comparable to Pleasant View and other areas close to us. Mayor Nelson said that they are much lower than Bear River City's fees. Council Member Christensen said that people have come to him and said they would rather buy an existing house than build because of the permit cost. Council Member Satterthwaite said that the permit fees should be increasing because of inflation. She could not see why the City would decrease the fees. Council Member Christensen said he has talked to another resident that is building in Brigham City because the fees are too high in Perry. He suggested maybe reducing fees for a period of time, in an effort to retain and/or attract residents.

Council Member Satterthwaite said the highest fee is the sewer impact fee. Duncan agreed that without the increase to the sewer impact fee, the Perry City fees would probably be much lower than other cities. Council Member Satterthwaite said the land prices in Perry City are also much higher than Brigham City. She said comparing building costs in Perry and Brigham is like comparing apples to oranges, because people who move to Perry for different reasons than moving to Brigham. Mayor Nelson requested this item be on the next meeting's agenda for review.

ITEM 6: POLICE AND PERSONNEL ISSUES

A. RATIFICATION OF POLICE OFFICER JUAN TRUJILLO'S CHANGE OF STATUS FROM PART-TIME TO FULL-TIME

This change occurred in the past and was talked about in the last meeting, all paperwork has been approved, and this is just a ratification of the decision to move Juan Trujillo to full-time.

B. CREATION OF A SECOND POLICE SERGEANT POSITION AND APPROVAL OF AN OFFICER SELECTED TO FILL SAID POSITION

Chief Dale Weese said that the Police Department posted an internal job opportunity for an additional Sergeant. He said he reviewed the application with the Mayor and they selected Juan Trujillo to fill this position. He stated they are looking for approval to promote Juan Trujillo to Administrative Sergeant, at his same rate of pay (\$18.50 per hour).

MOTION: Council Member Christensen made a motion to ratify Juan Trujillo's status change from part-time to full-time, and approve the promotion of Juan Trujillo to Administrative Sergeant. Council Member Gerlach seconded the motion.

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

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. MARCH 28, 2013 WORK SESSION
2. MARCH 28, 2013 REGULAR CITY COUNCIL MEETING

Council Member Christensen advised of a spelling correction for the word 'Portuguese'.

MOTION: Council Member Gerlach made a motion to approve the minutes for the March 28, 2013 Budget Work Session and City Council Meeting. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Cronin, Yes Council Member Gerlach, Yes
 Council Member Christensen, Yes Council Member Nelson, Abstain
 Council Member Satterthwaite, Abstain
Motion Approved. 3 Yes, 2 Abstained.

- B. TODD CHRISTENSEN:** asked about the status of Shirlene Peck's old rental house. Mayor Nelson said he would report on this during next meeting.
- C. MARCI SATTERTHWAITE:** Nothing reported.
- D. KAREN CRONIN:** announced that the Senior Ball is tomorrow night from 6-8pm. This is being sponsored by the Youth City Councils from Perry and Brigham City. All seniors are invited; there will be a live band, and refreshments served. The Youth City Council will be meeting at 3-4:30pm to decorate. She said she will be beginning plans for the Fourth of July next meeting. Karen reported that they will be adding a shooting event this year at the gun range. Council Member Gerlach said they have talked about adding a Little Buckaroo Rodeo. Council Member Cronin said they would like one more family event for one of the evenings.
- E. PETER GERLACH:** Reported that he talked with Melissa Huntsman about being over the 5K Race during the Fourth of July. She said she would do this, but would like more help. Council Member Cronin said she will be having with all people over events to coordinate fundraising. She said that the City did well last year, but there were a few vendors upset, because they were asked twice for donations.
- F. JANA NELSON:** Nothing reported.
- G. MAYOR NELSON:** Nothing reported.
- H. ITEMS FOR NEXT CITY NEWSLETTER:**
- Information on Fourth of July

ITEM 8: MEMORANDUM OF UNDERSTANDING REGARDING THE USE OF CITY-OWNED LAND FOR TELECOMMUNICATION TOWERS

Council Member Cronin said members from White Cloud are in attendance to explain the Telecommunication Towers. Ryan Hodges (White Cloud Representative) said that they are proposing to put some towers in the city to use Utopia Fiber to provide service to residents via broadband. He said in order for them to do this they are asking for a 30 year lease on land at a \$1.00 a year, with power to be pulled if easy to do. If this would be a high expense, White Cloud would cover this. He said the locations they plan to place the towers at are the corner of the Centennial Soccer Park and at the Mountain View Park. Mayor Nelson asked if the City could place equipment on the towers to operate emergency H.A.M. Radios. Mr. Hodges did not see any problem with this. Duncan said they will need an expedited permitting process in order to meet the deadlines needed for the funding that was granted. Gary Jones of Utopia said the funding they have received must be used by June. He said Utopia will use this funding to run fiber to the City Building and the Charter School.

Council Member Christensen asked what the notification requirements would be to notify other providers. He said his concern is that he doesn't want the city to be accused of not being fair or transparent. Mayor Nelson said this is an extension of Utopia, and the City has already decided to bring Utopia in. He said there has already been a massive amount of money dedicated to Utopia, so this would just be an extension of the project. He said the City plans to use this service, and the residents can choose to use this or they can continue with other providers. Gary Jones said White Cloud is funding the match required to bring Utopia services to the community so that Perry City would not have an out of pocket expense for the build of the network. He said this is valued at approximately \$220,000, even though the lease sounds as if it is only \$1; it is actually more due to the match White Cloud is offering. Mayor Nelson said if another group wanted to apply to do the same thing, they would be considered.

Mr. Jones said that other service providers can solicit to provide service at some point, but not for a period of time here because of the unsolicited offer that has been made by White Cloud. Council Member Christensen asked what length of time has been offered to White Cloud for exclusive access as a vendor. Mr. Jones said this would be between 2-3 years. Council Member Christensen said this amount of time seems reasonable.

Mayor Nelson asked for some information about White Cloud and what they provide. Mr. Hodges said that White Cloud is a radio broadband provider out of Twin Falls/Boise, Idaho. He said they have been in business for approximately 30 years and has a good base in that service area. Mr. Hodges said he lives in Utah and he is partnering with the principal of White Cloud (Joe) on this venture. He explained that subscribers in the Twin Falls area include 6-7 school districts, hospitals, banks, and about 4,000 roof tops. He said that White Cloud owns other towers that they rent out to Digis, Sprint, and others. The company has experience; they will engineer the towers properly, and provide a good experience for the customers in Perry.

Council Member Christensen asked when placing fiber in the conduit on 1200 West if a walking path could be constructed at the same time. Mr. Jones said he could have the construction manager for the project contact the city. Council Member Cronin asked how soon services would be offered. Mr. Hodges said most likely by the end of June or first of July. Council Member Cronin asked what construction has to be completed. Mr. Jones said the main line has to be run, it will be connected to the anchor institution (Promontory School, Perry City Building, and Perry Park), and the two towers will be installed. He said they hope to have this completed by the end of June.

Council Member Christensen asked if a light can be installed on the tower located at the Centennial Soccer Park. Mr. Hodges was fine with this. Council Member Cronin asked if they have worked with Fiber in the past. Mr. Hodges said that this will be the first time they have worked with Utopia Fiber. Council Member Cronin asked about pricing. Mr. Hodges said they have looked at pricing of similar services offered in the area. He said they will be offering service at faster speeds for less money. He said the cost will be around \$40-\$45 a month. He said they are thinking they will be requiring a two year agreement with \$0 cost for equipment. He said Digis is charging a \$50 installation fee, and they are planning to match that price. He said this would be an equipment lease. Council Member Christensen asked if the city will be offered services at a whole sale rate. Mr. Jones said yes, this is what is offered to all member cities. He said they have provided services at parks in Centerville so that people could access Wi-Fi in these locations as well. This could be done in Perry and the only cost would be for the equipment.

Council Member Christensen asked about marketing; he has heard from other communities that the marketing has been terrible. Mr. Hodges said they will jump right into marketing. Duncan Murray asked for a motion to approve moving forward, referencing the three requirements of the match with White Cloud. Council Member Cronin recommended detailing that there would be no cash outlay for the city as well.

MOTION: Council Member Christensen made a motion to approve the memorandum of understanding regarding a land lease for telecommunication towers at two city parks to enable fiber optics and a fixed wireless project, with no financial obligation to the city. Council Member Cronin seconded the motion.

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

Council Member Gerlach, Yes
Council Member Nelson, Yes

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON THURSDAY, APRIL 25, 2013 AT 7:00PM, PRECEDED BY A 6:00PM BUDGET WORK SESSION)

A. MOTION TO ADJOURN

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

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

Council Member Gerlach, Yes
Council Member Nelson, Yes

The meeting adjourned at 9:30pm.

Susan Obrey, City Recorder

Karen Cronin, Mayor Pro-Tem

Shanna Johnson, Chief Deputy Recorder