

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
APRIL 12, 2012

7:00 PM

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

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Paul Nelson, Public Works Director
Dale Weese, Police Chief
Scott Hancey, Interim Sergeant
Cody Herbert, Police Officer
Mike Kinghorn, Police Officer

OTHERS PRESENT: Allena Pierce, Reese Nelson, Susan Weese, Mike Kinghorn, Rollie Walker, Jay Decker, Tesla Hancey, Rachelle Herbert, Jay Newman, Marissa Nelson, Bill Walker

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Christensen offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Satterthwaite led the audience in the Pledge of Allegiance.

ITEM 2: PRESENTATIONS

A. POLICE DEPARTMENT REPORT AND PRESENTATION

Chief Dale Weese presented awards to Interim Sergeant Scott Hancey, Officer Cody Herbert and Officer Mike Kinghorn for their contributions during the last year to cover the department during major staff changes. He explained that the department lost its Chief and one of its full-time officers last year; the officers being recognized really stepped up and worked extra hours to provide police coverage. He thanked their spouses as well, recognizing that they have also made sacrifices in order for their husbands to provide this coverage. Council Member Cronin stated the Council would like to recognize Chief Weese as well for the extra work he has done during the restructuring of the department. Mayor Nelson thanked them all.

**B. BEAR RIVER HEALTH DEPARTMENT-PRESENTATION REGARDING THE
“HEALTHY COMMUNITY AWARDS PROGRAM”**

Allena Pierce from the Bear River Health Department presented the program to the City Council. She explained that the program requires that communities implement policies, infrastructure, and environmental support to make our community a healthier safer place, such as walking trails, healthy vending machine options at government locations, etc. She advised based on criteria a community can reach different levels of the award: bronze, silver, gold, or platinum. She said it looks like Perry City may already qualify for bronze or silver. Mrs. Peirce stated the Health Department will be available for

assistance. She stated the city would need to adopt a Resolution, which Duncan Murray has already prepared for the Council to review. Duncan Murray stated he will report on progress in the next meeting.

ITEM 3: NEW BUSINESS LICENSES, PROCEDURAL ISSUES, AND APPOINTMENTS

A. CONFLICT OF INTEREST DECLARATION

None.

B. NEW BUSINESS LICENSES

- TNT Fireworks: Duncan Murray advised this is a firework business operating out of Wal-Mart.

MOTION: Council Member Cronin made a motion to approve the business license for American Promotional Events doing business as: TNT Fireworks. Council Member Christensen seconded the motion.

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

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

Susan Obray passed out the warrants.

D. RESOLUTION 12-5 APPROVING Participation in the “Healthy Community Awards Program”

Duncan Murray advised this Resolution, if passed, will approve the City’s participation in the program and authorize the Mayor and Staff to outline a plan that would indicate what level the City is already at and what the City plans to implement over the next year.

MOTION: Council Member Christensen made a motion to approve Resolution 12-05, Approving Participation in the “Healthy Community Awards Program”. Council Member Nelson seconded the motion.

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

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC HEARING REGARDING AN ORDINANCE TO SET A PAY RATE FOR THE POLICE CHIEF

Mayor Nelson advised any time a statutory officer’s pay is set a public hearing is required. He stated the proposed pay rate for Chief Weese is \$23.50 per hour. He stated Chief Weese has agreed to do the job for a lower rate in order to meet budget, with that the Chief will be required to stay within his department’s budget and limit overtime.

Council Member Gerlach asked if there was a limit on overtime. Mayor Nelson stated yes, all overtime will need to be approved by the Mayor and they have moved to 12 hour shifts to eliminate overtime. Council Member Gerlach asked that this be listed in the Ordinance.

MOTION: Council Member Cronin made a motion to open a Public Hearing regarding an Ordinance to set a pay rate for the Police Chief. Council Member Gerlach seconded the motion.

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

Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

Jay Newman: stated he does not think \$23.50 per hour is high enough. He stated this could be resolved by addressing the issue of Utopia; \$95,000 a year goes to Utopia for nothing.

Bill Walker: said the City does not pay their police officers enough; he disagrees with 12 hour shifts and he feels the Soccer Park is becoming more important than our Police department.

MOTION: Council Member Cronin made a motion to close the Public Hearing. Council Member Gerlach seconded the motion.

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

B. PUBLIC COMMENTS

Jay Newman: Congratulated Chief Weese and thanked Bill Walker and Boyd Malan for their service to the City. He said there is a pothole on 2600 South and 500 West that needs to be fixed. He said he hopes that one of these days the City can resolve the situation with Utopia.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING APRIL 5, 2012 PLANNING COMMISSION MEETING

Council Member Cronin reported that the Commission discussed some lot line adjustments and a possible Hargis Hill Subdivision and some reconfigured lots in that subdivision. Duncan Murray said instead of 12 lots with sewer, it has been changed to 6 lots with septic tanks. He said the biggest issue is whether or not there is adequate water for fire prevention. Council Member Cronin said they discussed the rural road agreement in the area; at this time they do not want to add curb and sidewalk, but she feels that the road should be widened. The Mayor agreed the road should be widened so that it meets the Willard City side of the road. Council Member Cronin said the Planning Commission also discussed the Metes and Bounds application at Pointe Perry; the Ordinance dealing with large-scale utility lines, which was recommended for approval; and amendments to the Sign Ordinance, including whether or not to allow large inflated balloons. Council Member Cronin feels these should only be allowed on a temporary basis (not long term).

B. RESOLUTION 12-6 APPROVING A DEVELOPMENT AGREEMENT WITH POINTE PERRY L.C. TO ALLOW FOR "METES AND BOUNDS" COMMERCIAL SUBDIVISION LOTS FOR POINTE PERRY SUBDIVISION (BOOK 3 PAGE 326)

Duncan Murray stated this Resolution will approve a development agreement, which allows the subdivision process to be adopted by Metes and Bounds. He explained that Metes and Bounds allow plats to be identified by feet and degrees, instead of a full-fledged subdivision plat. He said this is done in an effort to speed up the process. A subdivision application can take months for approval; Metes and Bounds only takes a few weeks. Duncan advised that the City engineer has reviewed the Metes and Bounds descriptions for the area and found the descriptions accurate and within compliance. He said there are two lots: one is 1 1/3 acre, and the second is 6 1/2 acres. Duncan stated the developer would be required to go through the formal subdivision process and have a recorded Mylar within 18 months. He advised that by approving this development agreement, the Council will approve the Metes and Bounds process for not only the two lots identified tonight, but also the process for any other lots in the subdivision.

Rollie Walker gave an update to the Council on the land he owns at Pointe Perry and his plans for the area.

MOTION: Council Member Cronin made a motion to approve Resolution 12-6 approving a Development Agreement with Pointe Perry L.C. (to allow for “Metes and Bounds” commercial subdivision lots for Pointe Perry subdivision). Council Member Christensen seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. REPORT BY PUBLIC WORKS DIRECTOR, PAUL NELSON REGARDING STREETS PROJECTS AND POSSIBLE MOTION TO APPROVE TYPES OF FUTURE STREETS

Paul Nelson reported that last year the City completed the paving of Maddox Lane (completed for less than the Engineer’s estimate), and two years ago the 2000 South project was completed. Both Maddox Lane and 2000 South now need chip and seal work, and funds for the work are in this year’s budget, but the work will probably not be completed until August of next year. He said the City plans to put some more gravel on unfinished roads, and apply their yearly “dust guard” treatment. Paul said each year the city receives B&C road funds from the state (to be sent on upkeep and development of roads) and the City should get \$165,000, this year. He said there would be about \$70,000 not used this year, which will carry over to next year. Paul advised \$50,000 was to be used on 900 West, but there are some issues there that need to be addressed. He said there is a waterline that needs to be replaced before the road is widened, and there is not the dedicated right of way needed to widen the road. Council Member Gerlach said some residents along the road are in favor of a Special Improvement District, which would help fund this, but he has not talked to everyone on this road. Paul said these are things the Council needs to work on before the road is fully improved. He said he met with Staker Parsons and they looked at options for 900 West. He said you could overlay the section of 900 West that is dedicated; this will cost \$0.89 a square foot or \$3100.00, or you can pulverize and grade the road, which will cost \$6000.00. Council Member Cronin asked if the City has put together a budget for improvements on 900 West from the church north. Paul said no, not yet. Mayor Nelson said many people along the road do not have a rural road agreement in place. Duncan Murray said the question is whether the City should fully improve the road now and infrastructure, or just the road and fix infrastructure later. Paul added another option is to improve 900 West as the rural road that it is, without widening it and adding curb and gutter. He said he needs the Council to help him by deciding how to proceed. Mayor Nelson stated the Council should also look for future road projects.

B. REPORT REGARDING COUNTY TOURISM GRANT

Mayor Nelson reported that the City received \$10,000 was received for improvements at the Soccer Park and approximately \$2,000 for the Fourth of July.

C. APPROVE APPROXIMATELY \$10,000 IN PARK IMPACT FEES FOR FINAL MISCELLANEOUS CENTENNIAL SOCCER PARK IMPROVEMENTS

Mayor Nelson said a motion is needed to approve funds for miscellaneous park improvements (\$10,000 in impact fees is “freed up” for other improvements because of the Tourism Grant). Duncan Murray stated some of the funds would be used for the concrete sidewalk on the upper field, which will cost approximately \$5,000 to \$6,000. Council Member Christensen stated he would like a more detailed list of improvements for the remaining funds.

MOTION: Council Member Christensen made a motion to approve \$6,000 in Park Impact Fees to be used for the completion concrete walkways at the Soccer Park (on North and South of the upper field). Council Member Nelson seconded the motion.

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

D. APPROVAL OF WARRANTS

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

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

E. UPDATE REGARDING REQUESTS FOR PROPOSAL FOR CITY ENGINEERING SERVICES

Duncan Murray stated they received 11 proposals, and 6 firms are being interviewed. The interviews will be completed by next Tuesday. Council Member Cronin said the selection committee should be presenting their recommendation at the next Council meeting.

ITEM 7: PUBLIC SAFETY AND PERSONNEL ISSUES

A. DISCUSS UTAH SHAKE OUT EVENT, INCLUDING “EMERGENCY OPERATIONS CENTER” PROCEDURES

Mayor Nelson presented the Emergency Operation Center (EOC) members as:

- **Chairman** – Mayor Nelson
- **Secondary Chairman** – Mayor Pro-Tem Marci Satterthwaite
- In the event the first and secondary are not available as Chairman – All other Council Members will be qualified to fill the role. The City Administrator to act until an elected official is present.
- **Other Members:**
 - Chief Dale Weese: Over public Safety
 - City Recorder, Susan Obray: Over paperwork (for FEMA assistance) and finance
 - EMS, First Responders: Emergency Medical needs
 - Public Works Director, Paul Nelson: City Infrastructure needs
 - CERT Chairman, Jay Decker: Community Emergency Response

He said the EOC could be operating for days or months, depending on the disaster. He said in the EOC, the members make sure the City is taken care of and issues are resolved as needed. He said other city staff and volunteers will also be needed to respond to different situations. Council Member Cronin asked if a substitute or alternate First Responder unit Chief has been identified for Perry City, where Van Mund would most likely be responding in Willard City. Mayor Nelson said other officers such as Jon Rackham and Paula Smith would help in response for Perry City. Council Member Christensen stated that the LDS Church also is helping with emergency response. He said they split the City into 9 areas and have put together call trees and an information database, and that it is non-denominational.

Council Member Cronin asked how the city will be participating in the Great Utah Shake Out. Duncan Murray advised the City staff will be participating in two drills, the Earth Quake drill (Drop, Cover, and Hold On), and then they will practice an Evacuation drill. He said Boyd Giles will be testing the HAM radio system and the CERT Team will be doing some of their own drills. Duncan said the City will also be working over the next few months to set up an alternate operations center, to be used in an emergency. CERT Chairman, Jay Decker, addressed the Council stating that the job of the CERT team is to help everyone in every aspect of emergency response. He said in participating with the Great Utah Shake Out,

the CERT Team will be doing a block assessment, where assessment cards will be given to each neighborhood to be placed in windows of homes; these are color coded and represent a different status. They will also do a radio check. Jay Decker encouraged the City to get their NIMS training; if staff is trained, the City qualifies for additional funding. He said he is working with CERT members to get this training.

B. ORDINANCE 12-P TO SET A PAY RATE FOR THE POLICE CHIEF

Mayor Nelson advised that the City has a small budget, so they cannot pay the Police as much as they deserve. He said he is working on some solutions to this, and the Council will review this during budget preparation. He said the recommended pay rate for the Chief of Police in a town our size is \$25.50 per hour. Chief Dale Weese asked that his pay rate be set at \$23.50 per hour. Mayor Nelson said Chief Weese has worked very hard to keep the Police Department's budget down.

MOTION: Council Member Gerlach made a motion to approve Ordinance 12-P to set a pay rate for the Police Chief (Dale Weese). Council Member Cronin seconded the motion.

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

ITEM 8: TRAINING REGARDING MUNICIPAL OFFICERS AND EMPLOYEE ETHICS ACT

Duncan Murray provided training to the Mayor and Council regarding Municipal Officers and Employee Ethics Act as described in the Utah League of Cities and Towns Powers and Duties manual.

ITEM 9: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. March 22, 2012 REGULAR MEETING

MOTION: Council Member Gerlach made a motion to approve the minutes for the March 22, 2012 Regular City Council Meeting. Council Member Christensen seconded the motion.

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

B. TODD CHRISTENSEN: requested the facebook page address be listed in the next newsletter. Council Member Christensen stated he has a list of changes and corrections that needs to be corrected on the website. He said he would get with Shanna on these changes. He said the 10-day trial for "Spam" protection expired and asked that we see if there are funds in the budget to purchase the product.

C. MARCI SATTERTHWAITE: No report. Mayor Nelson said the Easter Egg Hunt was great.

D. KAREN CRONIN: said she went to the Economic Development conference on Tuesday. She said the number one suggestion was that Cities offer incentives for new businesses. She said Perry City has already been looking at incentives. She reported that she went to the bird refuge where Governor Herbert was signing some bills into law. One of the Bills signed was for more funding for the B.E.A.R. program. She said the business expo will be on April 27th, which is a great way for businesses to get exposure. The cost for a booth is \$10, which includes lunch for two and seminars in the morning. She said in the afternoon there will also be a health fair. She also announced that the Senior Ball will be a week from Friday, at the senior center. Council Member Cronin requested

volunteers from the Council, for Fourth of July. Council Member Nelson stated she would like to help with the 5K. Mayor Nelson said he will help with the movie in the park. Council Member Cronin stated Scott Nelson offered to help with the fireworks again. Mayor Nelson thought this was great, but asked that they look at all options, because a few kids brought fireworks to his home that were as nice as those displayed at the park last year.

E. PETER GERLACH: stated that he will be involved in interviews for Police, taking place tomorrow.

F. JANA NELSON: nothing reported.

G. MAYOR NELSON: nothing reported.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- Perry City Facebook page address
- Annual Awards

I. DISCUSSION REGARDING “ANNUAL AWARDS”

Council Member Cronin said they are currently taking nominations for the annual awards. She also requested that this be in the newsletter.

ITEM 10: ADJOURNMENT (NEXT REGULAR MEETING ON March 22, 2012 AT 7:00PM)

A. MOTION TO ADJOURN

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

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

The meeting adjourned at 9:53PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder