

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
AUGUST 23, 2012

7:00PM

OFFICIALS PRESENT: Mayor Nelson presided and conducted the meeting.  
Todd Christensen (present from 7:00-7:52pm), Karen Cronin, Jana Nelson, Peter Gerlach

OFFICIALS ABSENT: Marci Satterthwaite

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Shanna Johnson, Chief Deputy Recorder  
Dale Weese, Chief of Police  
Scott Hancey, Police Sergeant

OTHERS PRESENT: James Cloe (Community Covenant), Dean Ayala (Jones & Assoc.), Jay Newman, Reese Nelson, Lani Braithwaite, Vai Panter, Josh Mackey, Van Mund, Julian Mitton, Julie Mitton

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Council Member Gerlach 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**

None.

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

Shanna Johnson passed out the warrants. Council Member Christensen asked if monies spent on the South Ditch Pipeline are just a pass through. Duncan Murray confirmed that no true city money (general revenue funds) is spent, as this is reimbursed by State grant funds.

**ITEM 3: PRESENTATIONS**

Mayor Nelson stated that they would be covering Item 3C first, then 3A & 3B.

Approx. 7:30PM

**A. UPDATE BY CHIEF WEESE REGARDING PUBLIC SHOOTING RANGE, INCLUDING SEPTEMBER 1<sup>ST</sup> GRAND OPENING**

Chief Dale Weese reported that the range is almost ready for the Open House event taking place on September 1<sup>st</sup>. He invited everyone to attend. He said the event is more of an open house than a grand opening because, although the range will be in working order, the initial phase is not yet complete. He would like to have a big Grand Opening ceremony in the spring, and invite all of the sponsors and

volunteers, so they can be recognized for their efforts. He said many of the City's larger business are helping with the range, including Maddox and Gallegos Construction. Chief Weese advised that the concrete at the range has been poured; 210'x10' of concrete was installed, some of the concrete was purchased last year from the Jeff Young fundraiser, and Jeff Wendell and Jim Keller did the labor with their crews free of charge. He said the light is installed and running and the range cover will be delivered on September 1<sup>st</sup>, but will not be installed yet. He reported that the target berms are installed at 25 to 200 yards. Chief Weese said the range should be out to 500 meters next spring. He advised a flagpole was donated by Norman Nelson has been placed at the site and was painted today. Council Member Cronin asked what will take place during the Open House event. Dale Weese said people will be allowed to start shooting at the range on the September 1<sup>st</sup>. The reason they are having the mini-opening is so that people can begin sighting in their rifles before hunting season begins. He said there would not be any charges for the use of the range this year and fees will be established for next year. Council Member Gerlach asked if people will call and set up times to use the range. Chief Weese said that there will not be assigned times for regular use. It will be open to the public when a range master is present and initially this will be on Saturdays from 10am-2pm. Mayor Nelson said next year they would be trying to change this up a bit and even have a scout night, where scouts can have a specific time to use the range. Duncan Murray said in the newsletter people are instructed to bring their own guns, ammo, and targets. Chief Weese said that he will have some targets available but people should bring their own paper targets, safety glasses, and earplugs to use. He said they will also have some earplugs and safety glasses just incase anyone forgets to bring their own equipment; they will charge a minimal fee for the items. Mayor Nelson asked if they would need a speaker system to use at the open house. Chief Weese said that a speaker system or a megaphone would be great. Mayor Nelson said this is a great facility and (in his opinion) better than the shooting range in St. George. Chief Weese agreed; he said this is due to everyone's help and donations. He stated they have been able to get many grants, including \$10,000 from the NRA, and \$17,000 from the State. Chief Weese said he is looking forward to the opening. Council Member Cronin thanked Chief Weese for all his work on the project. Chief Weese asked the Council to start thinking about a name for the range and recommended the name 'Three Mile Creek Shooting Range'.

## **B. PRESENTATION TO AMEND POLICE/FIRE CAPITAL FACILITIES PLAN REGARDING TRAINING FACILITIES**

Chief Weese advised that the First Responders and the Police agree that a training building(s) would be a great addition at the Shooting range. He said this could be used for meetings and training for both groups and they would like to see the Capital Facilities plan changed to allow for this as an eligible use of impact fees collected. Duncan Murray advised that impact fees have to be used within 6 years of being collected. Currently the impact fees are scheduled to be used for a new Emergency Service building. He said it might take 26 years to collect enough money to build a new EMS building, and by that time we will have to give the impact fee money back (that has passed that 6-year period). He recommended the city pick a more reasonable project that fits the monies being collected. Council Member Cronin asked if they have done any research on how much the training building would cost. Chief Weese said the person who donated the range cover was purchased from, owns a steel building manufacturing company and he has agreed to donate the labor and get a building at his cost. He said the classroom building would cost approximately \$22,000. Another building could be used for SWAT or fire suppression "hands on" practical training. Duncan advised that they wanted to see if the Council was on board with changing the Capital Facilities plan before they did too much research. If they get a head nod from the Council, they will do more thorough research on costs. The Council thought the training building(s) was a great idea.

Approx. 7:03PM

## **C. OTHER PRESENTATIONS**

Cadet James Cloe from the Community Covenant Program out of Draper, UT addressed the Council. He presented the attached PowerPoint presentation regarding the program. He stated the Utah Community Covenant Program is designed to bring awareness to the community about service members and veterans

in the community and challenges they face, as well as awareness to service members and veterans in the community about programs and services available to them and their families. He encouraged the city to participate in the program, select and provide a military liaison, and to hold a signing ceremony/event. He explained that the signing ceremony is designed to bring the community together. He said most communities invite significant members of the community, including military members, and have a ceremony to sign and join the Community Covenant Program. He said that the community can design this event, in their own unique way. Cadet James Cloe provided contact information to the Mayor & Council and advised that they will be available to help them get started in the program. Mayor Nelson advised that Perry City already has a military liaison and said he will get the liaison in touch with their organization.

#### **ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARING**

##### **A. PUBLIC COMMENTS**

**Jay Newman:** asked if a letter was sent to Shirlene Peck, as he has not seen any improvements at the business. Mayor Nelson said the City is working on this issue. Council Member Gerlach said that weeds by the new building have been removed. Mr. Newman suggested that Shirlene donate the old building (modular home) to them as a training building. Mr. Newman said that the \$104,000 a year currently going to Utopia could go along a way toward a training facility or the gun range.

Mayor Nelson gave Perry City pins to the Boy Scouts in attendance, and thanked them for coming.

(Council Member Christensen left the meeting at approx. 7:52pm)

Chief Dale Weese said Vai Panter gave him a \$25 gift card for his help with an animal control issue. He said he cannot accept the gift, but will use it as a donation to the shooting range. He thanked her.

#### **ITEM 5: LAND USE ISSUES**

##### **A. DISCUSSION REGARDING AUGUST 2, 2012 PLANNING COMMISSION MEETING**

No discussion.

##### **B. REPORT REGARDING AUGUST 14, 2012 SPECIAL USES AND APPEALS BOARD MEETING**

Duncan Murray advised the meeting was dealing with a petition for non-conforming use. He said this was a duplex that was approved by the City by mistake 30-years ago and has had a business license in the past. He said they applied for a new business license this year, which is the first time they have applied in the last several years. He said it was denied because it did not fit the current ordinance. They appealed this decision and the appeals board did allow the use, because it was legalized in the past for its use and has been used in this capacity for the last couple decades. Duncan Murray stated more detailed minutes would be provided to council soon. Mayor Nelson advised that when the city has a duplex (or “mother-in-law” apartment), the city needs to be extremely vigilant that there is enough appropriate parking at the location, and that the utilities have been done properly. He said this should all be inspected by Perry City before anyone is allowed to move into the apartment.

#### **ITEM 6: FINANCIAL AND PUBLIC UTILITIES, AND TECHNOLOGY ISSUES**

##### **A. APPROVAL OF WARRANTS**

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

**ROLL CALL:** Council Member Nelson, Yes                      Council Member Cronin, Yes

                                 Council Member Gerlach, Yes

**Motion Approved.** 3 Yes, 0 No.

**B. RATIFY AWARD OF BID FOR 2012 PERRY CITY ROAD PROJECTS**

Duncan Murray reminded that Council that in the last meeting, they approved Paul Nelson, Mayor Nelson, Council Member Gerlach, and himself to award a bid for work on the 2012 Perry City road projects to help expedite the process (so the work could begin). He said they received 6 competitive bids; the best bidder was Staker Parsons, which came in way below what was estimated. The projects include Chip Seal in some areas, and Pulverizing, re-grading, and paving in other areas. The total bid provided by Staker Parsons was \$143,750 for all projects. He asked the Council to ratify the decision to award the bid to Staker Parsons. He advised a notice of award letter has been sent to Staker Parsons. He said the work must be completed by September 22<sup>nd</sup>. They anticipate starting work the first week of September.

**MOTION:** Council Member Cronin made motion to ratify the award of bid to Staker Parson in the amount of \$143,750 for the Perry City 2012 Road Projects. Council Member Gerlach seconded the motion.

**ROLL CALL:** Council Member Nelson, Yes                      Council Member Cronin, Yes  
                         Council Member Gerlach, Yes  
**Motion Approved.** 3 Yes, 0 No.

**C. REPORT REGARDING 2012 PORTION OF 5-YEAR SEWER CLEANING PROJECT**

Duncan Murray illustrated to the council a map of the city and where the sewer cleaning will take place this year. He explained (not counting the “interceptor line”) that there is about 125,000 linear feet of sewer line in the city. He said work will begin east of Highway-89 in the northern part of the city. He said he and Paul Nelson met with contractor Pro-Pipe and they will begin work September 17<sup>th</sup>. They will start on the upper end and work to the south until they have completed approximately 25,000 feet of work (about one-fifth of the system). Duncan said while they are cleaning, they will also video the lines and make repairs to the lines as needed.

**D. REPORT REGARDING UPGRADES AND IMPROVEMENTS TO SCHOOL CROSSINGS AND REDUCED SPEED ZONES, INCLUDING SIGNS AND PAINT FOR THREE MILE CREEK ELEMENTARY AND PROMONTORY CHARTER SCHOOL**

Duncan Murray reported that cross walks at Three Mile Creek Elementary are currently being repainted and they are looking at adding some addition cross walks and signs. At the new Promontory School, the appropriate curbs are being painted red, school zone signs are being installed at the school, and cross walks have been painted. He said the flashing signs will be delivered in a few weeks, and then installed once they are delivered and power is available. Council Member Cronin asked if flashing signs are at Three Mile Creek. Duncan Murray said no; he said he talked with Principal Coombs last week and she is fine with not having the flashing signs right now; she is more interested in more painted cross walks. He said the two schools are different because the street at Promontory School is 66-feet wide, compared to 60-feet at Three Mile Creek. He said there is more traffic at Promontory, and only one frontage at the location. He said the City is working with both schools and making sure they are happy with safety precautions. Duncan stated another reason the flashing lights are being installed at the Promontory School is that current state law requires that lights be installed on any newly constructed elementary school. Chief Weese said the signs will help with traffic problems in the area.

**E. REPORT REGARDING NEW STREETLIGHT TO BE PLACED AT 2250 SOUTH/1200 WEST (BY DALE YOUNG NATURE PARK)**

Duncan Murray said he has been working with Rocky Mountain Power to come up with an affordable way to place a light at the intersection by the Dale Young Nature Park. He said there is not a transformer or any nearby power at the location, and the light is needed to increase safety. Council Member Gerlach asked when the light will be installed. Duncan Murray said new Yield signs will be installed at the location within the next week and the light should be installed within 6 weeks.

Mayor Nelson asked that notification of upcoming street projects be placed in the newsletter and on the website. Lani Braithwaite asked when work will begin. Duncan stated this should begin the first week of September. Mayor Nelson and Council Member Cronin expressed concern with this, because it will be during Peach Days. Mayor Nelson asked that the work on 1200 West be put off for a week, and asked Duncan to work with the contactor on this.

**F. PERRY CENTENIAL TIME CAPSULE**

Mayor Nelson said he has gathered items to place in a city time capsule. He said items include T-shirts, pins, pictures, etc. He asked people to forward any recommendations for items.

**ITEM 7: GENERAL DISCUSSION ISSUES**

**A. REVIEW CITY GOALS AND PRIORITIES APPROVED AT JULY 26<sup>th</sup> COUNCIL MEETING**

Duncan Murray provided an updated on the following City projects:

<b>Major Project</b>	<b>Update</b>
1. Shooting Range	See above Update. Duncan Murray said they will be working on acquiring more land to expand the site.
<b>Infrastructure Projects</b>	<b>Update</b>
1. 2012 Street Projects	Duncan stated this work will take place over the next several weeks.
2. Maddox Lane Dedication	Duncan asked for a council member to volunteer to help with notifying and working with landowners. He said the landowner will dedicate the land for the section road where improvements were installed last year. Mayor Nelson said he would be willing to help and asked Council Member Gerlach to help him with this. Council Member Gerlach agreed to help.
3. Fire/Police Impact Fee review (investigate allocating funds for a training building at the shooting range).	Duncan said that he and Chief Weese will begin researching the cost of training buildings.
4. Intersection near Nature Park	Duncan advised they are working to get a light installed at the intersection by the Nature Park and will be installing new Yield signs.
<b>Business Development Projects</b>	<b>Update</b>
1. 1100 South Intersection (with Brigham City) a. Possibly commit some CDA Funds to the project	Duncan reported that they had a RDA meeting tonight to discuss the project at 1100 south and possible funds to be committed to the project.
<b>Projects or Agreements Including Other Government Agencies or Utility Providers</b>	<b>Update</b>
1. Building Permit Agreement with Box Elder County	Duncan stated that Box Elder County did approve the Building Permit agreement at their last meeting, and it will be on the next Council agenda for approval.
2. GIS Training as part of ISO Audit (with Brigham Emergency Services)	Duncan said that GIS training will begin once the new Assistant Treatment Plant Operator is hired.
3. Certified Assistant Wastewater Treatment Plant Operator (with Perry-Willard Wastewater Treatment Board)	Duncan advised that Ty Thompson was hired for the vacancy created when Codey Illum left employment with the city. He said this created an

	opening at the Wastewater Treatment Plant; this is in the process of being filled.
4. Purchasing Streetlights from Rocky Mountain Power (RMP)	Duncan reported that RMP is working on a cost analysis for the purchase of the lights and will be presenting this to the city soon. He said this will potentially cut down on the power bill.
<b>Technology Projects</b>	<b>Update</b>
1. Upgrade Financial Software to Caselle Clarity	Duncan said this has been put on hold until after audit and will take place sometime in January.
2. Upgrade Business Page on City Website	Duncan said staff will work on this page once Council Member Christensen is ready.
3. Computer Inventory and Rotation Schedule	Duncan stated the city has updated some of the computers in the building, but work still needs to be done to create a rotation schedule.
4. Utopia	Duncan said a meeting should take place in the next couple of weeks.
<b>Financial Projects</b>	<b>Update</b>
1. Port of Entry Annexation	Duncan said he is working on this.
2. Justice Court Services Inter-Local Agreement	Duncan said he is working on this.
3. Unified Employee Pay Schedule	Duncan said the Unified Employee Pay Schedule will be discussed at the next meeting.
4. Annual Audit	Duncan advised that the year-end work is in progress.

**ITEM 8: PUBLIC SAFETY AND PERSONNEL ISSUES**

**A. DISCUSSION REGARDING WEEDS AND OTHER FIRE HAZARDS**

Mayor Nelson asked if letters have been sent. Duncan said that Susan did send the letters. Council Member Cronin said the current weed ordinance does not give a clear way to address these issues and suggested this ordinance be looked at. Mayor Nelson agreed that the city needs a new ordinance that is easy to understand and enforce. He said it needs to detail when letters are sent and action to be taken if the issue is not resolved. Council Member Cronin and Mayor Nelson stated they would like the city to have the ability to hire someone to come and remove the weeds or hazards, and put a lien on the property until it the work is paid for by the owner. Mayor Nelson stated he would like there to be notification sent to the owner prior to the lien. Mayor Nelson asked what it costs to place a lien on the property. Duncan Murray stated it does not cost too much; the city just needs to be careful to follow all laws. The large expense is when a lien is placed incorrectly. Council Member Cronin asked that this issue be sent to the Planning Commission to work on. Mayor Nelson recommended that the Council has a work session first, and then send input to the Planning Commission, because it has been sent to the Planning Commission twice in the past and has been unsuccessful. Duncan thought this was a good idea. Mayor Nelson said this needs to be a one-page ordinance; the last draft was 13 pages. Duncan advised that the law requires the Planning Commission to hold a public hearing and pass along a recommendation to the Council. Nothing in the law states that a work session cannot be held by the Council prior to it going to the Planning Commission.

**ITEM 9: MINUTES & COUNCIL/MAYOR REPORTS**

**A. APPROVAL OF MINUTES FOR:**

1. AUGUST 9, 2012 REGULAR MEETING

- Page 5, Line 13: Council Member Cronin asked that this be changed to deck & railing, not just railing.

- Page 5, Line 16: Council Member Cronin asked this be changed to address that issue, which is the immediate drop off within inches of public parking (health safety issue).
- Page 5, Line 27: Council Member Cronin requested this amended to state the council could revoke the temporary business license, not the motion.
- Page 1, Line 37: Council Member Nelson said this line refers to Mayor Nelson, who was not present at meeting. Shanna Johnson stated this line should be stricken, this occurred at the prior meeting.

**MOTION:** Council Member Cronin made a motion to approve the minutes for the August 9, 2012 City Council Meeting, as amended. Council Member Nelson seconded the motion.

**ROLL CALL:** Council Member Nelson, Yes                      Council Member Cronin, Yes  
                     Council Member Gerlach, Yes  
**Motion Approved.** 3 Yes, 0 No.

**B. TODD CHRISTENSEN:** nothing reported (left meeting at 7:52pm).

**C. MARCI SATTERTHWAITE:** absent.

**D. KAREN CRONIN:** nothing reported.

**E. PETER GERLACH:** said he went out to the Wastewater Treatment Plant and had a tour of the facility. He said it was interesting and he talked with Jeff Hollingsworth about some concerns he has. He said he met with Shirlene Peck about concerns she has about her old and new building locations. He said he told her that in his opinion the City is looking for progress.

**F. JANA NELSON:** asked if the Flood Control Board meetings have been changed to Wednesday. Duncan Murray said no; just their last meeting was changed to Wednesday, they will move back to Thursdays next meeting.

**G. MAYOR NELSON:** nothing reported.

**H. ITEMS FOR NEXT CITY NEWSLETTER:**

- Change Shooting Range Grand Opening to Open House
- Upcoming Road Projects (dates and locations)

**ITEM 10: EXECUTIVE SESSION**

**MOTION:** Council Member Cronin made a motion to close the regular meeting and go to Executive Session regarding the fitness and character of a person, possible litigation, and a real estate transaction. Council Member Nelson seconded the motion.

**ROLL CALL:** Council Member Nelson, Yes                      Council Member Cronin, Yes  
                     Council Member Gerlach, Yes  
**Motion Approved.** 3 Yes, 0 No.

Regular Meeting closed at approximately 8:57pm.

**MOTION:** Council Member Cronin made a motion to close Executive Session and resume the regular meeting. Council Member Nelson seconded the motion.

**ROLL CALL:** Council Member Nelson, Yes                      Council Member Cronin, Yes  
                     Council Member Gerlach, Yes  
**Motion Approved.** 3 Yes, 0 No.

Regular Meeting resumed at approximately 9:41pm.

**ITEM 11: ADJOURNMENT (NEXT REGULAR MEETING ON SEPTEMBER 13, 2012 AT 7:00PM)**

**A. MOTION TO ADJOURN**

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

**ROLL CALL:** Council Member Nelson, Yes  
Council Member Gerlach, Yes

Council Member Cronin, Yes

**Motion Approved.** 3 Yes, 0 No.

The meeting adjourned at 9:43pm.

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Susan O Bray, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder