

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
FEBRUARY 13, 2013

7:20PM

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

OFFICIALS EXCUSED: Karen Cronin

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Susan Obray, City Recorder  
Dale Weese, Chief of Police  
Paul Nelson, Public Works Director

OTHERS PRESENT: Lani Braithwaite, Reese Nelson, Michael Kitchens

**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 Nelson 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**

- BT Crew Trucking
- TBH Leasing LLC

Duncan Murray explained that both businesses are owned by Brian and Tena Hale. One is for trucking services and the other is the leasing of trucks. Mayor Nelson asked if there would be trucks parked at the home. Duncan said he did not believe so. Mayor Nelson said we need to include in the motion that parking at the home will not be allowed.

**MOTION:** Council Member Gerlach made a motion to approve the business licenses for BT Crew Trucking and TBH Leasing LLC, with the caveat that there will be no parking of trucks on the premises. Council Member Nelson seconded the motion.

**ROLL CALL:** Council Member Gerlach, Yes  
Council Member Nelson, Yes  
**Motion Approved.** 4 Yes, 0 No.

Council Member Christensen, Yes  
Council Member Satterthwaite, Yes

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

Susan Obray passed out the warrants.

**ITEM 3: PRESENTATIONS & TRAINING**

**A. PUBLIC WORKS TRAINING BY WILLIAM MORRIS, INCLUDING NEW AND IMMINENT CHANGES IN STORM WATER AND SEWER REGULATIONS**

William Morris provided training on changes in Storm Water and Sewer Regulations (see attached). He said the changes in regulations for Storm Water have not yet gone into effect for Box Elder County, but Weber County is subject to these regulations. Mayor Nelson asked if becoming part of the Wasatch Front Regional Council will make Perry City subject to these changes. Mr. Morris agreed that it most likely would and said this is why Duncan Murray asked him to provide the Council with this training and information. Mr. Morris agreed to assist the city with the creation of some Ordinances to become compliant with new Sewer regulations. He said he would coordinate with our City Engineer (Jones & Associates) on the Ordinances.

**B. OTHER PRESENTATIONS**

Mayor Nelson announced that he will present the State of the City at the next Council Meeting. Duncan said other upcoming presentations will include a report from BRAG regarding the Wasatch Front Regional Council and Cache County Area regional transportation options, and a report from the Police Department on a new Citizens Academy. Some preliminary information has been provided to Council Members concerning these issues.

**ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS**

**A. PUBLIC COMMENTS**

No public comments were made.

**ITEM 5: LAND USE ISSUES**

**A. DISCUSS FEBRUARY 7, 2013 PLANNING COMMISSION MEETING**

Duncan Murray reported that the main item discussed was the Sign Ordinance. The Planning Commission finished revising one section of the Sign Ordinance and they have forwarded this recommendation to the Council, which will be presented in the next Council meeting. Duncan provided a copy of the recommended changes to the Council. Council Member Gerlach questioned the reason for the amendment. Duncan said the Planning Commission felt the Ordinance to be too complicated and too focused on aesthetics, so they amended this section to make it less complicated and more focused on health and safety.

Duncan advised that there is a new intern project; a professor at Weber State University has a class in the fall semester with 15-16 students who each have to complete 20 hours of work. Duncan said he has brainstormed ideas with City staff and the combined recommendation at this point is that we focus the project on the Nature Park. He said the city received some materials to be used on a bridge for the park as part of the trail system; this will allow us to take advantage of this donation. He said Rocky Mountain Power also has some grants available to help with this and Wal-Mart has offered volunteer hours. Duncan said the interns will need to have some “hands on work”, along with planning work. He said they could help to finish the design for the trail system and assist in applying for grants, and then report their results to the City Council. Duncan asked the Council if they felt this was a project that would be useful for the students and the City. Mayor Nelson and the Council agreed that this would be a good project.

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

**A. APPROVE OF A CONTRACT FOR IMPACT FEE RELATED FINANCIAL SERVICES**

Duncan Murray presented two bids for Impact Fee Analysis for Culinary Water, Storm Water and Public Safety.

- Zions Public Finance - \$10,000
- Lewis, Young, Robertson, and Burningham (LYRB) - \$7,545

Duncan Murray recommended the Council to award the bid to Zions Bank for the following reasons:

1. The bid process for the 1100 South project and this Impact Fee Analysis project combined shows Zions to be less expensive overall.
2. If you deal with too many financial firms on different projects, this can cause additional time (and costs for that time).
3. Having Zions Bank complete this work will provide an independent review, as LYRB completed our initial impact fee and capital facility plans in 2007.
4. Duncan said that after researching both firms, Zions Bank has been much more involved in the various meetings and recent changes to the impact fee laws.

Duncan said the decision needs to be made soon so that impact fee monies for Storm Water can be utilized for this Impact Fee Analysis prior to June 30, 2013. Council Member Christensen asked if it is required to get three bids. Duncan said no because the amount is under the amount required for a bid process. He said that he did obtain two bids in order to ensure that the bids received were competitive. Council Member Christensen expressed concern over impact fee plans put together in the past. He said that many people choose to not build in the City because of high impact fees. Mayor Nelson said that is part of the reason for Duncan recommending Zions Bank; they can provide a new perspective.

**MOTION:** Council Member Christensen made a motion to award the contract for Impact Fee Analysis related services to Zions Public Finance, as recommended by the City Administrator. Council Member Nelson seconded the motion.

**ROLL CALL:** Council Member Gerlach, Yes                      Council Member Christensen, Yes  
                    Council Member Nelson, Yes                      Council Member Satterthwaite, Yes  
**Motion Approved.** 4 Yes, 0 No.

## **B. APPROVAL OF WARRANTS**

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

**ROLL CALL:** Council Member Gerlach, Yes                      Council Member Christensen, Yes  
                    Council Member Nelson, Yes                      Council Member Satterthwaite, Yes  
**Motion Approved.** 4 Yes, 0 No.

## **C. REPORT AND/OR ACTION REGARDING STREETLIGHTS**

Duncan Murray advised that George Humbert has been promoted and is no longer the Customer and Community Manager for Rocky Mountain Power. The new Customer and Community Manager is Craig Bruderer (he reports to George Humbert). Duncan said he had a chance to meet with Mr. Bruderer and asked that he provide the city with a cost proposal for the purchase of Streetlights throughout the City (currently owned by Rocky Mountain Power). He said that Mr. Bruderer said he can get a ballpark figure of how much this would cost. In order to get a full quote, the city would need to pay a down payment of \$2,500 (earnest money), which could be applied to the purchase of streetlights. If after receiving the quote, the City decides to not go through with the purchase, the \$2,500 would be forfeited. If the quote is something that the City wants to pay, a financing mechanism will need to be put in place for the purchase.

Duncan stated at some point the City will need to purchase the streetlights, as Rocky Mountain Power is getting out of the ownership of streetlights. He said that they no longer want to maintain them. There are many different types of streetlights in the city. Most of the currently city-owned lights are easy to maintain. The types of lights not currently owned by the City are harder to maintain and require you to

have specific certification in order to change bulbs, other parts, etc. This requires the City to hire an outside vendor (through a competitive bid process) to perform the maintenance.

Duncan said that in a perfect world, the City would own all of the streetlights and would hire one company to maintain all streetlights. Mayor Nelson said he believes the next step is getting the quote for purchasing the lights, so the City can see if it is feasible. Mayor Nelson said that the City can maintain the lights much cheaper than Rocky Mountain Power can. Duncan said most cities are taking ownership of their lights. Council Member Christensen asked if the purchase can be split up over 3-5 years. Duncan said he hopes that this is an option, but it may not be. Council Member Christensen was in favor of getting the ballpark figure. Duncan said at that point we can explore the 3-5 year purchase plan and if Rocky Mountain Power was not able to allow this, other financing options could be obtained. Mayor Nelson suggested having Craig Bruderer present the ballpark figures and options for purchasing the lights in an upcoming meeting.

**ITEM 7: PUBLIC SAFETY AND PERSONNEL ISSUES**

**A. RESOLUTION 13-02 TO CLARIFY PART-TIME EMPLOYEES WITH “GRANDFATHERED” BENEFITS**

Mayor Nelson said there are a few employees in the city that were hired when part-time benefits were offered and they were grandfathered as benefit eligible when the policy changed to only allow benefits for full-time employees. There have been questions over the last few weeks on how many hours must be worked in order for these employees to be eligible for benefits. Duncan explained that this Resolution clarifies that the “grandfathered” employees must work at least 1040 hours per year to be eligible for benefits. He said the Resolution details that benefits (medical, dental, and retirement) are calculated at the same level as all benefit eligible employees, with the exception of sick time and leave time, which is calculated at half that of a full-time employee.

**MOTION:** Council Member Gerlach made a motion to approve Resolution 13-02 to Clarify Part-Time Employees with “Grandfathered” Benefits. Council Member Christensen seconded the motion.

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

**Motion Approved.** 4 Yes, 0 No.

**ITEM 8: MINUTES & COUNCIL/MAYOR REPORTS**

**A. APPROVAL OF MINUTES FOR:**

1. JANUARY 24, 2012 COUNCIL RETREAT MEETING
2. JANUARY 31, 2013 REGULAR COUNCIL MEETING

**MOTION:** Council Member Satterthwaite made a motion to approve the minutes for the January 24<sup>th</sup> Council Retreat and the January 31<sup>st</sup> Regular Council Meeting. Council Member Christensen seconded the motion.

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

**Motion Approved.** 4 Yes, 0 No.

**B. TODD CHRISTENSEN:** Nothing reported.

**C. MARCI SATTERTHWAITE:** Announced that the Annual Easter Egg Hunt will be Saturday, March 30<sup>th</sup> at 10:00am.

**D. KAREN CRONIN:** Absent.

**E. PETER GERLACH:** Reported that he has received suggestions to place something in our newsletter to remind people to turn on fog lights during fog and to wear reflective clothing when walking or running in the dark. He reported that at Maddox Lane and 1200 West, the road is bad again and is in need of repair.

He said he has also had a number of people ask him about a walking trail along 1200 West from the Nature Park to Wal-Mart. He asked if grant monies could be sought for the project. Duncan Murray said that the tourism board has asked the city to put in for a grant for a walking trail along the South end of 1200 west, but not the North end. He said he is not sure that a grant would be awarded for the North. Mayor Nelson said the walking trail on the South end of 1200 West would be a project shared with Willard City; because two cities are involved, it is more likely to be approved. Mayor Nelson stated that in order to put a trail on the North end of 1200 West, it has to be a raised trail; it cannot be asphalt, and this could be very expensive. Duncan advised it will cost upwards of \$300,000 to put in a trail and questioned that even if a matching grant was available and was awarded, where would the city get \$150,000 in 50% matching funds for the \$150,000 grant? Council Member Satterthwaite said the citizens need to be aware that there are a lot of rural roads that are not busy that they could walk on, such as 2950 South. Council Member Christensen suggested putting something about the non-busy roads in the newsletter.

**F. JANA NELSON:** Nothing reported.

**G. MAYOR NELSON:** Nothing reported.

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

- Reminder to turn fog lights on in fog.
- Reminder to wear reflective clothing when walking in the dark.
- Using non-busy roads to walk on for exercise instead of 1200 West.

**EXECUTIVE SESSION – TO DISCUSS POSSIBLE LITIGATION**

**MOTION:** Council Member Christensen made a motion to close the public meeting and open an Executive Session to discuss possible litigation. Council Member Satterthwaite seconded the motion.

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

**Motion Approved.** 4 Yes, 0 No.

The Regular meeting closed at approximately 8:34pm.

**MOTION:** Council Member Christensen made a motion close the Executive Session and reopen the public meeting. Council Member Nelson seconded the motion.

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

**Motion Approved.** 4 Yes, 0 No.

The Regular Meeting reopened at approximately 8:45pm.

**ITEM 10: ADJOURNMENT (NEXT REGULAR MEETING ON WEDNESDAY, FEBRUARY 28, 2013 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 Gerlach, Yes                      Council Member Christensen, Yes  
                    Council Member Nelson, Yes                      Council Member Satterthwaite, Yes

**Motion Approved.** 4 Yes, 0 No.

The meeting adjourned at 8:46pm.

---

Susan Obay, City Recorder

---

Jerry Nelson, Mayor

---

Shanna Johnson, Chief Deputy Recorder