

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
FEBRUARY 28, 2013

7:02PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting  
Karen Cronin, Peter Gerlach, Jana Nelson, Marci Satterthwaite, Todd  
Christensen (arrived at 7:10pm)

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

OTHERS PRESENT: Brett Jones (Jones & Associates), Reese Nelson, Tesla Hancey, Tom Peterson,  
Dave Walker, Lani Braithwaite, Willie Nelson, Norman Nelson, Jay Newman, Stuart Grover, Roger  
Jones (B.R.A.G.)

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Mayor Nelson offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Shanna Johnson 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**

- Ron Freeman - Freeman LLC

Mayor Nelson advised the business teaches rescue classes including: rope rescue, confined space, hazmat, incident command, etc. Most classes are in Wyoming.

**MOTION:** Council Member Cronin made a motion to approve the business license for Freeman LLC.  
Council Member Satterthwaite seconded the motion.

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

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

Shanna Johnson passed out the warrants.

**ITEM 3: PRESENTATIONS & TRAINING**

**A. STATE OF THE CITY PRESENTATION BY MAYOR JERRY NELSON**

Mayor Nelson gave the State of the City Address (See attached presentation). Highlights included a review of new businesses (Dominos Pizza, Seagull Book, US Bank, and Bee Hive Homes), and the newest addition to City Parks, the Three Mile Creek Gun Range. Mayor Nelson expressed excitement for to the new gun range; stating that the range has been a great addition to the City, drawing up to 150 patrons a day, when open.

Mayor Nelson reported that upcoming projects include:

- Working with Brigham City on the new Continuous Flow Intersection at 1100 South & 1200 West.
- Working with UDOT to secure funding for a Diverging Diamond Intersection to be placed at the Freeway on/off ramps near Pointe Perry. This will improve the flow of traffic in the area and will maintain accessibility to the current and future businesses in this area.
- A new program called the Police Citizens' Academy.

Mayor Nelson reflected on goals accomplished in his last 7 years as Mayor, including:

- The Construction of the Centennial Soccer Park.
- The new Three Mile Creek Shooting Range, which provides an area for shooting in the City.
- The construction of a Wastewater Treatment Plant, which will service the city for decades to come.

Mayor Nelson announced that he is not planning to run for office again, but said he is proud of the goals achieved and the fact that Perry City is now a nice, positive place to live.

## **B. CITIZENS ACADEMY PRESENTATION BY CHIEF DALE WEESE AND OFFICER MIKE LONDON**

Chief Dale Weese said the police department is a community-oriented police department, which is proactive, not reactive. He said the Police staff wants the citizens to know them and not fear them. He said this year he asked all officers to pick a project that they would like to work on to further the department's relationship with the citizens. The Citizen's Academy is a project that Officer Mike London selected. Officer Mike London explained the program, stating that this program will begin on the 19<sup>th</sup> of March. The Academy will meet once a week for 10 weeks. He said they will cover topics including the role of law enforcement, stats, code of conduct, crime scene investigation, fingerprinting, evidence collection, traffic stops, drugs/K9, Strike Force, court procedures, neighborhood watch, etc. He said the goal is to educate the public on the "how and why" of law enforcement. He said it will be a classroom setting, but they hope to include some "hands on" exercises as well. He said they would like to start this program by inviting the Mayor, City Council, and City Administrator to attend the academy and help fine tune the program. Later they will include business owners, school employees, and different organizations. Council Member Christensen asked how the program will be advertised to the public. Officer London said originally this will be limited session for City Administration, Police, and their spouses. This is to get feedback, as well as some of the information that would be useful to City staff, which may differ from that which is useful to the public. He said later this will be catered differently for the general public and will be advertised in the City Newsletter and in the Newspaper. Mayor Nelson encouraged Council participation.

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

### **A. PUBLIC COMMENTS**

**Jay Newman:** thanked the snow removal crew for their good work this winter season. He expressed appreciation for the police presence in his neighborhood, following the break-ins that took place in the area. He reported that there is a large pot hole on the Wal-Mart road near Maddox lane. He said there are pot holes where the gutters meet at 2400 South and 500 West. He asked what is being done with Utopia.

He continues to see negative information in the news and said he hopes that the city isn't still paying money to Utopia.

**Stuart Grover:** announced that there will be a 5K/1 Mile walk this Saturday. He said all proceeds go to the burn center at University of Utah Hospital. He asked everyone to spread the word. Council Member Satterthwaite asked what time it starts. Mr. Grover said the registration starts at 8:15am and the 5K race begins at 9:00am. The mile walk will begin at the conclusion of the 5K race. The cost is \$20 for the 5K and \$10 for the 1 mile walk. He said this cost includes a T-shirt. He thanked the Mayor and Council for all they do and expressed the appreciation for the State of the City report.

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

### **A. ORDINANCE 13-A TO AMEND PMC SECTION 58.04.030 REGARDING PROHIBITED SIGNS**

Duncan Murray reviewed the changes suggested for the ordinance as follows:

- New sub-sections 6 and 7 have been added (regarding City and State rights of way).
- Old sub-sections 1, 2, and 10 have been combined, reworded, and renumbered as new sub-section 8.
- Old sub-sections 3 (first half), 7, 9, and 11 (these sub-sections deal with public utility easements, trailers or motor vehicles with signs, mobile signs, and balloon signs) have been eliminated, except as generally referred to in new sub-section 8.
- Therefore, someone can place a sign in the front 10 feet of their property if it does not interfere with a public utility easement or cause a significant health or safety hazard. Likewise, trailers or motor vehicles with signs, mobile signs, and balloon signs *are not prohibited unless* they block vision or line of sight for traffic, interfere with power or telecommunications lines or a public utility easement, or otherwise constitute a significant health or safety hazard.

Mayor Nelson asked how an applicant begins the design review process for signs. Duncan advised that our City Engineers, Jones & Associates, have created an application. The applicant will fill this out and attach a diagram of the sign dimensions and placement. He said this will be reviewed by the City Engineer and a staff report will be prepared and presented to the Planning Commission prior to approval. Council Member Cronin stated that the Planning Commission's recommended Ordinance says that signs on mobile trailers and vehicles would only be allowed when parked on private property. Planning Commission Member Tom Peterson agreed that was discussed. Council Member Cronin suggested including language to reflect this provision in the ordinance. Council Member Gerlach said this provision is listed as prohibited in sub-section 5. Council Member Cronin said the previous language in the ordinance restricted businesses from having large balloon signs, and intermittent flashing lights on signs. She asked if the City wants to add these restrictions back into the amendment. Mayor Nelson said the lighted signs are allowed in other cities and the brightness and flashing could be addressed in the future. Council Member Christensen suggested having the brightness and speed of flashing as part of the design review. Council Member Cronin asked if other cities have lighting ordinances. Brett Jones (City Engineer) said Smithfield does, but it is pretty detailed. Council Member Cronin asked if the City wants to allow big "gorilla balloons" in our main commercial zone. Mayor Nelson said he thinks that the focus should be on safety and less on aesthetics. Council Member Christensen said he thinks these are fine for liquidation sales and large events. Council Member Satterthwaite said many car lots use large balloon signs and the City would not want to prohibit car lots from coming to the City, because they bring a lot of sales tax. Mayor Nelson said he thinks the balloon signs should also be addressed by design review. Mr. Jones said safety is the primary concern being addressed in the ordinance. Council Member Gerlach asked if the ordinance can be amended if they find that there is not enough detail in the future. Mayor Nelson said this can easily be amended.

**MOTION:** Council Member Gerlach made a motion to accept Ordinance 13-A to Amend PMC Section 58.04.030 Regarding Prohibited Signs. Council member Christensen seconded the motion.

**ROLL CALL:** Board Member Satterthwaite, Yes      Board Member Cronin, No  
Board Member Christensen, Yes      Board Member Nelson, Yes  
Board Member Gerlach, Yes  
**Motion Approved.** 4 Yes, 1 No

**B. MOTION TO APPROVE A LETTER TO THE POSTMASTER DESIGNATING 2250 SOUTH STREET AS THE OFFICIAL NAME OR SAID STREET**

Duncan Murray explained that he received a petition from the residents living in on 2250 South. They are requesting that a letter be sent to the Post Master requesting the official name of their street be changed to 2250 South instead of Davis Street. The residents are having difficulty in receiving deliveries to their homes due to the post office listing this as Davis Street instead of 2250 South. Duncan said the current ordinance states that if a street has a number and a name, the number is the primary designation. Council Member Cronin asked if all residents along the street signed the petition. Duncan said they missed one house and it was because they were not home.

**MOTION:** Council Member Christensen made a motion to approve a letter to the Postmaster designating 2250 South Street as the official name or said street. Council Member Cronin seconded the motion.

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

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

**A. MONTHLY FINANCIAL REPORT**

Shanna Johnson gave a financial update for the month of January, 2013. She reported that 59% of the fiscal year has elapsed; and that 80% of General Fund revenues have been collected, 54% of Utility Fund Revenues have been collected, the sewer fund has received 71% of planned revenues, and the City has collected 41% of Non-Operating revenues. She said the expenses look good. The General Fund has spent 60.6% of its budget; this is slightly higher due to contractual fees, seasonal expenses, and signs purchased for the Promontory School. She reported that the Utility fund has spent 48.7% of the planned budget, and the sewer fund has spent 30.5% of its budget. She advised that sales tax for January 2012 was 0.17% less than last January, but overall the collected sales tax for the year is 5.61% better than planned. Shanna advised that planning for the Fiscal Year 2014 is underway and she has collected budgets from all departments except the First Responders; they are working on it and will be getting this to her shortly. She said that there seems to be enough projected revenue to cover requested expenses. Mayor Nelson instructed Duncan Murray to have the department heads (Chief Dale Weese, Susan Obray and Paul Nelson) present their budgets in the upcoming work sessions. Council Member Christensen asked Shanna to forward the list of planned work sessions to the Mayor and Council by email.

**B. ACTION REGARDING STREETLIGHTS, INCLUDING A MOTION TO APPROVE A “FIELD ASSESSMENT” TO POTENTIALLY PURCHASE RMP STREETLIGHTS AND REDUCE MONTHLY POWER BILLS**

Council Member Christensen said he found it interesting that the City has to pay Rocky Mountain Power to prepare a quote for the City to purchase Streetlights from them, stating that he does not feel this is appropriate. Mayor Nelson asked how much the field assessment is. Duncan Murray advised that this would cost \$2,500. He said the estimate for the purchase is \$20,000 to \$40,000 (approx. \$30,000). To get an exact quote you pay the \$2,500 and if the City decides to move forward with the purchase that money would be applied to the purchase price. He explained it is like an escrow payment. He said if the City decides to purchase the lights, they would own the lights and the poles that they are on (as long as the light is not on a power pole). Duncan said eventually the City will need to own something because

now the City owns some lights and Rocky Mountain Power owns others. They provide full service on some of the lights they own, partial service on others, and no service on City owned lights. He said this gets very complicated to ensure proper maintenance on the lights. Council Member Cronin said Tony Stauffer came in recently with a proposal and asked if it is an advantage to go through him instead of Rocky Mountain Power. Duncan said that we need to get this bid so that Tony can help with a long-term solution. In the meantime, Tony is helping us with maintenance on some of the lights in the city, and he can provide a cost analysis for the city on the savings the city will get with purchasing the lights. He said the estimate provided by Tony was almost exactly the same as the estimate provided by Rocky Mountain Power. Duncan said his estimate said that if the city was to purchase the lights they would earn back the money spent on the purchase within 3 years. The Mayor said after this 3 year period, the city would essentially be making or saving money on the streetlights; this saved money can go into purchasing streetlights needed throughout the city. Duncan stated we are going to propose paying for the purchase over a 3 year period, but this may not be a possibility. The City will need to factor in how they will finance this purchase, knowing that in the long term this will be a positive for the City. Duncan suggested that the City may be able to reduce the storm water fee by \$1.00, and implement a \$1.00 streetlight fee on the utility bill (with no increase to the overall bill) and use the user rates to pay for the purchase.

**MOTION:** Council Cronin made a motion to approve a Field Assessment through Rocky Mountain Power at the rate of \$2,500. Council Member Nelson seconded the motion.

**ROLL CALL:** Board Member Satterthwaite, Yes      Board Member Cronin, Yes  
Board Member Christensen, No      Board Member Nelson, Yes  
Board Member Gerlach, Yes  
**Motion Approved.** 4 Yes, 1 No

Council Member Cronin asked the timeframe for the study. Duncan said the assessment will take up to 19 weeks.

### **C. APPROVAL OF WARRANTS**

Council Member Christensen asked what the repairs to the Durango were. Shanna Johnson explained that this is the transfer of police lights and equipment from the Durango to the Chevy truck.

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

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

### **D. OPTIONS TO ALIGN WITH A REGIONAL PLANNING ORGANIZATION FOR TRANSPORTATION PLANNING PURPOSE**

Roger Jones from Bear River Association of Government (B.R.A.G.) presented options for aligning with a regional planning organization for transportation planning services. He said the city can either choose to align with Cache County or with the Wasatch Front Regional Council. He reviewed the pros and cons of each (see attached), and advised that Willard, Perry, Brigham City, and Box Elder County will need to come up with mutual agreement as to which group will represent them as a whole. He said that if the Wasatch Front Regional Council is selected for these services, B.R.A.G. will still assist as needed. He suggested making a decision in the next month, as project funding will soon be taking place.

Council Member Cronin and Duncan Murray expressed appreciation for Brian Carver who works for B.R.A.G. and has assisted with City projects and grants. Mr. Jones said that he would pass that on.

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

**A. RESOLUTION 13-03 TO AMEND THE “PERRY CITY EMPLOYMENT TABLE” (TO REQUIRE A CDL FOR A “LANE 1” FULL-TIME PUBLIC WORKS EMPLOYEE)**

Mayor Nelson explained that many of the Public Works, Lane 1 employees drive snow removal trucks and some of the vehicles require a CDL. The CDL training also provides good practical knowledge for any driver. He said he would like to require that all Full-Time Public Works employees get their CDL License and to require this of all new Full-Time employees. Mayor Nelson said that the city will pay for the current employees to go through the training. He said there are a lot of people in town that could help them prepare for the practical test at no cost. He asked Duncan to let the guys know that there are people in town that will help them prepare for the test. Council Member Cronin asked if the city will only allow those who have a CDL License to perform snow removal. Mayor Nelson said that is his goal. Duncan Murray advised that there is one more clarification to the Employment Table has been included in the proposed amendment. It clarifies pay increases, stating that an employee who promotes to the next Lane and receives a pay increase, will not be eligible for a performance increase at the same time. He said this is what was discussed when the Employment Table was approved, but it was not documented on the Employment Table; this amendment will correct this.

**MOTION:** Council Member Christensen made a motion to approve Resolution 13-03 to amend the Perry City Employment Table as presented. Council Member Cronin seconded the motion.

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

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

**A. APPROVAL OF MINUTES FOR:**

1. JANUARY 31, 2012 RDA MEETING MINUTES
2. FEBRUARY 13, 2013 REGULAR COUNCIL MEETING MINUTES

**MOTION:** Council Member Cronin made a motion to approve the minutes for the January 31<sup>st</sup> RDA Meeting. Council Member Satterthwaite seconded the motion.

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

**MOTION:** Council Member Gerlach made a motion to approve the minutes for the February 13<sup>th</sup> Regular City Council Meeting. Council Member Nelson seconded the motion.

**ROLL CALL:** Board Member Satterthwaite, Yes      Board Member Cronin, Abstained  
Board Member Christensen, Yes      Board Member Nelson, Yes  
Board Member Gerlach, Yes  
**Motion Approved. 4 Yes, 1 Abstain**

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

**C. MARCI SATTERTHWAITE:** reported that she attended a Boy Scouts Blue and Gold Banquet last night to thank the Boy Scouts for making duck boxes for the Dale Young Natures Park. She also announced that the Annual Easter Egg Hunt will be held at Perry Park, on March 30<sup>th</sup> at 10:00am.

**D. KAREN CRONIN:** reported that the First Responders helped with the attempted rescue of the individual at the building collapse, which took place at the old K-Mart building in Brigham City. She stated she received comments thanking the First Responders for their participation. She announced that the Youth City Council will be hosing the Senior Ball on April 12<sup>th</sup> at the Senior Center. They

will be working with the Brigham Youth City Council on planning this event. She advised that there is a lot of exciting happenings with Economic Development. One of them is the “shooting sports cluster”. She explained that Governor Herbert has commissioned a group to get together and come up with a brochure to promote a shooting sports cluster in this area. They will be putting together a group to travel to Germany and start marketing this. She said she has emailed a gentleman on that Commission and she is going to bring him out to meet with Chief Weese and tour the Three Mile Creek Gun Range in an effort to get the gun range included in this. She said the FAA is going to privatize 6 different areas for unmanned flight vehicles and they are working on a presentation to get the Northern Utah, Box Elder area included as one of the 6 locations. This could potentially bring in companies wanting to build their unmanned vehicles to our area. She reported another item being worked on is the funding to get USU built in the Brigham area. She said apparently the project has fallen down on the priority list. She encouraged people to contact the Legislature in an effort to get that funding elevated.

**E. PETER GERLACH:** said he has been contacted by soccer groups wondering if the Centennial Soccer Park will be open for practice this year and how the scheduling will be handled. Mayor Nelson suggested that he direct them to call the city office. Council Member Gerlach said that Brigham City does not schedule practices; they just let people do this on a first come, first serve basis. Duncan said that people can use this without scheduling this if they want to take their chances, but if they want to guarantee that they get to use the field, they have to schedule and pay for this.

**F. JANA NELSON:** reported that she attended the recent Flood Control meeting. They had a bid opening for work on Flood Control structures; there were 18 bids received and a lot of people present. Duncan Murray said they received a very good bid for the work.

**G. MAYOR NELSON:** encouraged the City Council to take part in the Citizen Academy it is a good way to find out how the police work. He said when he first came into office, he and Duncan researched combining with other community for police services; they found that nobody can match the services we get from our own Police Department.

He commended the snow removal crew; stating we have a few things that need to be improved, but our roads were better than Ogden’s and the outlining areas of Brigham City.

He asked that Duncan get a representative from the Wasatch Front Regional Council to come to an upcoming Council Meeting. He explained that he has been contacted by the Mayors in Weber County over the last 5-6 years. Their concern is that as the traffic increases in this area, citizens in the city will go to Logan to shop instead of traveling to Weber County. He said he does not believe this is happening, but as it becomes more congested, it is a possibility. Mayor Nelson would like to hear from a specialist from the Wasatch Front Regional Council (WFRC) on their plans for transportation in the area. Duncan stated because of the possible award of grant monies to Perry City, our decision to go with Wasatch Front Regional Council for transportation planning services may already be made for us. Brett Jones said that if the Box Elder County area decides to go with B.R.A.G. and Cache County for transportation planning services, the grant monies from WFRC will no longer be available.

Duncan Murray reported that he met with UTA today. He said the main focus of the meeting was to review what money they have collected in that three city fund. They plan to use this for future land acquisition and possibly purchasing new benches and enclosures for riders. Council Member Cronin voiced concerns about them purchasing land for an overpass/front runner stop in Brigham City. Mayor Nelson said that there are no plans to bring the front runner to the area for 10-15 years; he said what we need to do is to ensure that the money gets spent on appropriate land acquisition and amenities for riders. Council Member Cronin said we also need to make sure that we have a seat at the table when decisions regarding front runner or land purchases are made. Mayor Nelson agreed. Duncan Murray reported that Tourism grants were submitted today for the following projects:

- Fourth of July Celebration – prepared by Karen Cronin
- Gun Range Training Building – prepared by Dale Weese

- Trail on South end of 1200 West (joint project with Willard) – prepared by Duncan Murray

He said we should hear on the outcome of our applications in approximately 3 weeks. Mayor Nelson advised he will be meeting with the State next week about the shooting range; he said there has been more vandalism at the range. Some people went and shot some of the aluminum targets with high powered rifles and ruined them. He said the State wants the City to open the range up more, and he plans to argue that when the area is opened, unsupervised vandalism occurs.

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

- No items suggested.

**I. ASSIGN A COUNCIL MEMBER(S) TO CHAIR OR ASSIST WITH “NATIONAL NIGHT OUT” (TUES. AUGUST 6, 2013)**

Tabled until next meeting.

**ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON THURSDAY, MARCH 14, 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:** Board Member Satterthwaite, Yes      Board Member Cronin, Yes  
                          Board Member Christensen, Yes      Board Member Nelson, Yes  
                          Board Member Gerlach, Yes  
**Motion Approved.** 5 Yes, 0 No

The meeting adjourned at 9:14pm.

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Susan Obrey, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder