

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
JANUARY 31, 2013

7:20PM

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

OFFICIALS EXCUSED:

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Shanna Johnson, Chief Deputy Recorder  
Paul Nelson, Public Works Director

OTHERS PRESENT: Allena Pierce (Bear River Health Department), Doug Longfellow, Mary  
Longfellow, Brett Jones (Jones & Associates), Kathy Perry, Lani Braithwaite, Susan Pearl-Weese

**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 Cronin 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**

- **DB Enterprise Transcription – Business Owner, Dawn Bradbury**
- **Impressive Carpet Cleaning – Business Owner, Tyson Kunz**

Duncan Murray explained that both applications are for home businesses and will not have any visiting clientele.

**MOTION:** Council Member Gerlach made a motion to approve the business licenses DB Enterprise Transcription and Impressive Carpet Cleaning. 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)**

Shanna Johnson passed out the warrants.

**D. APPOINTMENTS (PLANNING COMMISSION AND/OR OTHER POSITIONS)**

Mayor Nelson recommended the appointment of Esther Montgomery as a full Planning Commission Member and Doug Longfellow as a new alternate Planning Commission Member. Council Member

Cronin said that Mr. Longfellow is a real estate agent and asked if he was doing any business in the area that would create a conflict of interest. Doug Longfellow stated he was not doing business in the area, and had no conflicts of interest.

**MOTION:** Council Member Cronin made a motion to accept the appointments of Esther Montgomery to full Planning Commission Member and Doug Longfellow to alternate Planning Commission Member. 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.

**ITEM 3: PRESENTATIONS**

**A. BEAR RIVER HEALTH DEPARTMENT TO PRESENT HEALTHY COMMUNITY AWARD**

Allena Pierce from the Bear River Health Department presented Perry City with a 2012 Healthy Community Award. She explained that the program was created back when the Olympics came to Utah in an effort to bring a healthy focus Statewide. Workplaces, Schools, and Government Agencies have been welcome to participate in the program. The participating entities must set and achieve goals based on a specific set of criteria involving safety, health & nutrition, drug & tobacco free communities, and EMS. She said there are four levels of awards (Bronze, Silver, Gold, and Platinum). Mrs. Pierce on behalf of the Box Elder County Commission and the Health Department, presented the Mayor and Council a plaque and congratulated the City for achieving the highest level (Platinum) award.

**B. OTHER PRESENTATIONS**

None.

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

**A. PUBLIC COMMENTS**

None.

**ITEM 5: LAND USE ISSUES**

**A. DISCUSS January 3, 2013 PLANNING COMMISSION MEETING**

Duncan reported that the Planning Commission did a lot of Ordinance work and they also had some discussion on the Three Mile Creek Range site plan. He said a couple of Ordinances will be presented to the Council soon, one on Abatement of Health and Safety Hazards and also some changes on the Sign Ordinance. Council Member Christensen asked if the Planning Commission is working on the mixed use in Commercial zones. Duncan said not yet, but they will be working on this soon. Council Member Cronin asked that they look at creating a streetlight map and priority list for new streetlights.

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

**A. FINANCIAL APPEAL BY DALE WEESE FOR A WATER LEAK AT HIS RESIDENCE**

Mayor Nelson explained there is a leak at the Weese residence. He said their home is located near a private lane where a water line was installed long ago. He said when they subdivided the area they stubbed the waterline providing water to the Weese home from this line. He said it is quite possible the leak is located in the line on the private lane and while the ground is frozen, there is no way to find the leak or to repair it. He recommended putting a stay on this issue until the ground unfreezes and this can be repaired. Duncan Murray advised that Dale and Susan Weese are requesting that the overage fees be waived. Council Member Cronin asked if they are still getting water. Susan Pearl-Weese said they are getting very little pressure at this time. Council Member Christensen asked if the cold temperatures

caused the break. Mrs. Weese said the water pressure has been low for about a year, but when the weather turned very cold, they lost all pressure. Council Member Cronin asked if they have only had one month of overages charged. Mrs. Weese said so far, but she is sure this next month will also have an overage. Paul Nelson said they water is leaking at about 12 gallons a minute. Council Member Christensen asked where all the water is going. Mayor Nelson said there is a lot of gravel in the ground and so it has not surfaced yet. Council Member Cronin expressed concerns about the water causing a sink hole and questioned how soon it can be repaired. Paul Nelson said that generally the City would not make the repair on private property, but the property owner can work on repairing this once the temperature increases; most likely later this month. Council Member Cronin asked City Engineer, Brett Jones his thoughts on the situation. Mr. Jones said he agrees with Paul Nelson; that if the repair is made when conditions are not right, you could cause more damage.

**MOTION:** Council Member Cronin made a motion to table this financial appeal until the weather improves so the waterline can be repaired, and to also stop the accumulation of overage charges and late fees at this point. The property owners (Dale Weese & Susan Pearl-Weese) must keep in close contact with Paul Nelson and Duncan Murray in regards to their progress on repairs, and make the repairs as soon as weather permits. The Council requested a progress report each month until repaired. The property owner will be responsible to pay their regular monthly amount until the financial appeal is brought back for a decision. 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.**

APPROX. 8:08PM

**B. APPROVE CONTRACT FOR IMPACT FEE RELATED FINANCIAL SERVICES**

Duncan Murray explained that City staff is working with the City Engineer to get some capital facilities plans upgraded for Culinary Water, Storm Water, and Police and Fire. Zions Bank did submit a bid for updating the land use and growth projections, and creating an Impact Fee Plan. He said the City could also get a bid from Lewis, Young, Robertson, and Burningham as well. Mayor Nelson asked about budget and how much of this could be covered by impact fees. Duncan said the budget would allow for the Storm Water plan to be completed this year, but the Culinary Water plan would need to wait until next budget year. Shanna Johnson reported that according to the City Accounting Consultants, Davis & Bott, impact fees cannot be used to pay for capital facilities and impact fee plans. Jason Burningham (of Lewis, Young, Robertson, and Burningham) and Brett Jones (City Engineer) disagreed, stating that they felt that the plans were impact fee eligible expenses. Shanna said she could double check this with the auditor. She said if the plans are impact fee eligible, then the City would be fine to complete all plans this fiscal year. Council Member Cronin recommended these services would need to go out to bid. Mayor Nelson suggested tabling the item until March.

**MOTION:** Council Member Cronin made a motion to table Item 6B until after the Legislative Session and so the City can go out to bid for the services. 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. APPROVE JONES & ASSOCIATES (CITY ENGINEER) TO COMPLETE CAPITAL FACILITIES PLAN SERVICES**

Duncan Murray advised that Jones & Associates (City Engineer) has provided a bid to complete the Engineering portions of the Culinary Water, Storm Water, and Police & Fire Capital Facilities Plans. Duncan said because a bid process is not required and we have hired Jones & Associates as our City Engineer, he would recommend approving this bid to complete Engineering portion of the Capital Facilities Plan for Culinary Water, Storm Water, Police and Fire (only minimal engineering is required for Police and Fire). Brett Jones of Jones & Associates said there may be some changes to the requirements of these plans in the next Legislative Session. The City may want to hold off on completing the plans until the session is over to ensure compliance with any new requirements. Shanna Johnson advised that her concern with waiting is impact fees in the Storm Water area need to be expended before the end of the fiscal year; there is a little over \$11,000 that will have to be paid back to developers if they are not spent on an improvement. Jason Burningham said the work on the plans could take place, but suggested not implementing the plans until after March so that the City can include any changes that may be required by the Legislature.

**MOTION:** Council Member Cronin made a motion to approve Jones & Associates work with City staff to complete a Capital Facility Plan for Storm Water and Culinary Water. 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. MONTHLY FINANCIAL REPORT**

Shanna Johnson gave a financial update for the month of December, 2012. She reported that 50% of the fiscal year has elapsed; and that 27% of General Fund revenues have been collected, 47% of Utility Fund Revenues have been collected, the sewer fund has received 65% of planned revenues, and the City has collected 40% of Non-Operating revenues. She said the expenses look good. The General Fund has spent 53.7% of its budget; this is slightly higher due to contractual fees, seasonal expenses, and signs purchased for the Promontory School. She advised that there was \$10,000 budgeted for street salt used to assist with snow removal and \$9,600 has already been spent. She said there is a lot of the winter season left so additional funds may be needed in this area. She reported that the Utility fund has spent 41.1% of the planned budget, and the sewer fund has spent 25.4% of its budget. She advised that sales tax for January 2012 (reflective of November 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 Budget has begun and she would like to start planning some work session to review the budget. She presented the following work session dates:

- March 14, 2013
- March 28, 2013
- April 11, 2013
- April 25, 2013
- May 9, 2013
- May 23, 2013

Shanna explained that the Tentative Budget must be presented to the Council on the first meeting May and the Final Budget must be passed by June 22, 2013. The Mayor and Council were fine with the budget work session dates presented.

**E. RESOLUTION 13-01 TO ADOPT THE MUTUAL AID AGREEMENT FOR UTAH WATER AND WASTEWATER AGENCIES**

Duncan Murray explained that this agreement is being adopted by many of the agencies throughout the State. It is voluntary and the main purpose is for mutual assistance in the event of a Water or Wastewater Emergency. A lot of times there is a big system failure that is way beyond the resources of an agency. This would allow for agencies to work together to resolve issues. The agreement states you are not held liable and you agree to respond to outside agency emergencies if it is practical and you have reasonably available equipment. If you accept help from other agencies, then you must pay for any costs generated from that agency. Mayor Nelson said that this is really already in practice; most of the agencies already work together, and this agreement just outlines this mutual aid in a formal written agreement.

**MOTION:** Council Member Cronin made a motion to accept Resolution 13-01, Adopting a Mutual Aid Agreement for Utah Water and Wastewater Agencies. 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.**

APPROX. 7:57PM

**F. DISCUSSION AND/ACTION REGARDING UPGRADES TO LIGHT FIXTURES IN CITY BUILDINGS**

Paul Nelson reported that Rocky Mountain Power has an incentive program to help organization change out light fixtures to the new standard. He explained the type of lights currently used will be obsolete and bulbs needed to operate the light fixtures are no longer made. He said the CEV Electric came to the city and gave a bid to replace the fixtures throughout the building. He advised the projected cost to upgrade the lights and put in new automatic switches is \$9,235. Rocky Mountain Power is offering an incentive of \$2529 for this upgrade, making the total cost of the project \$6706. Paul said the cost of the equipment is \$4,484 and would be provided by Golden Spike Electric. CEV would be doing the labor. Mayor Nelson asked when the upgrade would take place. Paul said this is only an estimate, the Council would need to decide if they want to do this upgrade and to what extent. Then we would need to get some competitive bids for the project. Paul said the estimated cost savings are \$1,113 per year. Council Member Cronin asked if there is money in the current budget to do this. Shanna Johnson said not in the current budget. Mayor Nelson asked if the incentive from Rocky Mountain Power would still be available if we hold off on doing the upgrade until July 2013. Paul said yes, the incentive offer is good for one year, but the cost of the upgrade may change. Mayor Nelson recommended putting this in next year’s budget and upgrading all the fixtures in July. Council Member Christensen said the incentive date listed on the bid is July 14, 2013 and asked if this was when the incentive would expire. Paul said he would check on this. Mayor Nelson recommended going out to bid and asking the contractor hold their bid until July.

**MOTION:** Council Member Christensen made a motion to authorize Public Works to interface with Rocky Mountain Power and the associated Contractors in regards to City lighting upgrades and equipment replacement. Getting bids issued and pricing negotiated for the Fiscal Year 2014. 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.**

Paul Nelson advised the cost estimate received for the lighting upgrade was only for the building, not any of the parks.

APPROX. 8:37PM

**G. APPROVAL OF WARRANTS**

**MOTION:** Council Member Christensen made a motion to approve the warrants. Council Member Cronin 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: PUBLIC SAFETY AND PERSONNEL ISSUES**

**A. ORDINANCE 12-V AMENDING CERTAIN PROVISIONS OF PMC TITLE 3 (PERSONNEL) REGARDING EMPLOYEE COMPENSATION, INCLUDING HOLIDAY PAY**

Mayor Nelson explained that somehow in the past the policy was changed to only pay an employee straight pay and pay for the holiday when they work on one of the 12 designated holidays. He said that if an employee works on a holiday, they should be paid time and a half, plus the holiday pay. He said this is what used to be the policy and he is not sure how it got changed, because he would have never been in favor of such a change. Duncan Murray explained that the idea is that if you work on one of the 10 designated holidays or one of the two “floating holidays”, you will get paid at 1 and ½ your normal hourly rate for those hours worked, plus you will be paid for your holiday time (8 hours) at your normal hourly rate. Mayor Nelson said if an employee works on a holiday, they should get paid time and a half for the hours worked, which is the industry standard. Council Member Christensen asked why Pioneer Day is not listed as a designated holiday. Duncan Murray said this can be elected as a floating holiday and this year it is one of the “floating holidays”. Mayor Nelson agreed that the policy should probably be changed so that Pioneer Day is a set holiday.

**MOTION:** Council Member Cronin made a motion accept the Ordinance 12-V Amendment Regarding Employee Compensation and Holiday Pay. 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.

**ITEM 8: TRAINING REGARDING LIABILITY**

Duncan Murray provided training on Liability and Governmental Immunity.

**EXECUTIVE SESSION – TO DISCUSS POSSIBLE LITIGATION**

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

The Regular meeting closed at approximately 8:58pm.

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

The Regular Meeting reopened at approximately 9:10pm.

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

**A. APPROVAL OF MINUTES FOR:**

1. DECEMBER 13, 2012 REGULAR MEETING

Council Member Cronin asked if the Durango had been sold. Shanna Johnson said that the City office and Public Works is considering using this vehicle for short distance travel needed for city business. She explained that the City office previously used a vehicle that has been given to Jeff Hollingsworth for his use at the sewer plant. This has caused the office to have to pay mileage to Jolene Eddington when she runs errands for the city, and is negatively affecting the Administration Department's budget. The office considered purchasing a car, but they think the Durango may work for now. She said the Public Works Department is also interested in using this. Duncan said that the Durango may still need some transmission work. Council Member Cronin said that Chief Weese indicated that it was not worth putting a lot of money into the vehicle. Mayor Nelson said it would not be worth it if being used as a police patrol vehicle, but this vehicle would be good for short distances. Council Member Cronin said she is fine if it is being used as is, but would not be in favor of putting a new transmission into the vehicle.

**MOTION:** Council Member Cronin made a motion to approve the minutes for the December 13, 2012 City Council Meeting. 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.

- B. TODD CHRISTENSEN:** reported that he would be meeting with Keith Keller (vendor for IT services) and city staff tomorrow.
- C. MARCI SATTERTHWAITE:** None.
- D. KAREN CRONIN:** advised that there is going to be another Shake Out (Emergency Preparedness) event in April.
- E. PETER GERLACH:** None.
- F. JANA NELSON:** None.
- G. MAYOR NELSON:** None.
- H. ITEMS FOR NEXT CITY NEWSLETTER:**
  - None.

**ITEM 10: ADJOURNMENT (NEXT REGULAR MEETING ON WEDNESDAY, FEBRUARY 13, 2013 AT 7:00PM)**

**A. MOTION TO ADJOURN**

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

The meeting adjourned at 9:20pm.

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Susan Obrey, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder