

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
OCTOBER 25, 2012

7:00PM

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

OFFICIALS EXCUSED: Jana Nelson

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Shanna Johnson, Chief Deputy Recorder

OTHERS PRESENT: Lani Braithwaite, Shaila Colton, Ricky Collum, Jay Newman, Neisha Christensen, Brett Jones (Jones & Associates), Jerrald Nelson (Planning Commission Chair)

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Council Member Cronin offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Mayor 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**

None.

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

Shanna Johnson passed out the warrants.

**ITEM 3: PUBLIC COMMENTS AND PUBLIC HEARING**

**A. PUBLIC HEARING REGARDING ORDINANCE 12-Q, PAY SCHEDULE FOR STATUTORY EMPLOYEES**

Mayor Nelson stated that pay raises for employees were passed earlier in the year. He said that they are looking at increasing pay for two employees to bring them in line with the new Employee Pay Schedule. He said anytime a City Recorder, City Administrator, City Treasurer, or any kind of appointed position received a pay increase, a public hearing must be held prior to the increase being approved. Mayor Nelson presented statutory officer wages for the Fiscal Year 2012-13 as follows:

- City Recorder, Susan O Bray: proposed pay increase from \$19.95 per hour to \$20.50 per hour (\$42,640 per year), which includes pay for a lane change to Lane 3, and Department Head pay.
- Chief Deputy Recorder, Shanna Johnson: proposed pay increase from \$16.50 per hour to \$17.36 per hour, which includes \$0.50 per hour to be paid while she is acting as the Supervisor of Human Resources.
- City Administrator, Duncan Murray: proposed pay increase to \$38.86 per hour
- Treasurer, Jolene Eddington: proposed pay increase from \$16.11 per hour to \$16.23 per hour.

Mayor Nelson noted that the Deputy Recorder and City Recorder increases include leadership increases for Supervisor or Department Head positions and they will only be paid the \$0.50 or \$1.00 extra per hour while acting in those roles.

Duncan Murray advised the Supervisor position is new, although Shanna Johnson has been acting in this role for several years, but the City just had never made it official. He explained that the Supervisor role normally includes overseeing people, and she does this by managing office staff while Susan is out of the office, and she is in charge of all employee meetings. She also plays many roles in an HR capacity, as well as in finance. She attends most department head meetings, giving information to Department Heads and empowering them to make recommendations to the Council in reference to their department budgets. Council Member Gerlach asked for clarification regarding the need for the public hearing for these appointed positions. Duncan confirmed that because they are appointed “statutory” positions, a public hearing is required by State law; all other employees do not require a public hearing for pay increases. Duncan stated that the Chief of Police is also a statutory officer who requires a public hearing prior to a pay increase, but this was taken care of earlier in the year.

**MOTION:** Council Member Cronin made a motion to open the Public Hearing for Ordinance 12-Q, Pay Schedule for Statutory Employees. Council Member Christensen seconded the motion.

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

**Jay Newman:** asked if the pay increases are based on the economy or a step increase. Mayor Nelson stated that the pay is based on performance and training. He asked how many steps are in each employee group. Mayor Nelson said he would be explaining this later. Mr. Newman asked if the step increase were based on years of service. Council Member said they are based on performance and training. Mayor Nelson said there is no guaranteed pay increase; if the employee has not obtained any training and they are not performing well, they will not receive an annual increase. Mr. Newman asked if there would be cost of living increases. Mayor Nelson said cost of living increases are not automatic; they would be based on the economy and would be distributed evenly to all employees.

**MOTION:** Council Member Christensen made a motion to close the public hearing and return to the public meeting. Council Member Gerlach seconded the motion.

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

## **B. PUBLIC COMMENTS**

**Jay Newman:** asked when the hole by Maddox Lane is going to be fixed. He said the corners on Allen Street at 450 and 500 West are still filling up with water and debris. He asked when these would be repaired. He advised that on Cherry Drive (500 West) and 2600 South there is a large pothole that needs to be fixed. He said on Allen Street, there is a boarded up house that is a real public “eye sore”; he said he would like to see it and the property cleaned up. He said he knows there is an upcoming meeting with Utopia, and would like some feedback on what it is about. Mayor Nelson said he would provide an update. Council Member Gerlach said Paul Nelson reported that the pothole at 2250 South would be corrected by Pineview. Mayor Nelson said he would get the information about these needed improvements to Paul Nelson, Public Works Director.

## **ITEM 4: LAND USE ISSUES**

### **A. NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR ORDINANCE 12-R, THE ABATEMENT OF HEALTH AND SAFETY HAZARDS AND ZONING VIOLATIONS, ON THURSDAY, NOVEMBER 1, 2012 AT 7:05PM**

**ITEM 5: FINANCIAL AND PUBLIC UTILITIES, AND TECHNOLOGY ISSUES**

**A. STATEMENT OF INTENT TO SET ASIDE FUTURE INCREASES IN DEVELOPMENT FEES FOR A PLANNER/CODE ENFORCEMENT OFFICER**

Mayor Nelson said growth will eventually come back and there will be a need for a planner at that time. In an effort to be pro-active and prepare for growth, the City is looking at hiring someone or contracting an employee with another city to handle planning and code enforcement. He said this would be paid for by new development fees. He asked for the Council Member’s input. Council Member Christensen said this was an easy decision 6-years ago, because the city cut costs 40% by hiring an inspector. He said he would love a similar economy; if this occurs, he would be in favor of setting aside funds to hire or contract an individual to perform planning duties for the City. Duncan Murray said it is possible to look at an employee lease, although it is tough to be a planner for multiple jurisdictions. He said there is no money currently budgeted for the positions, but if there are additional revenues coming in the future, they could be “ear-marked” for a full-time Planner/Code Enforcement Officer. Council Member Gerlach asked what the development fees come from. Duncan said mainly from building permits and plan check fees. Council Member Gerlach asked how much money is available that we have now. Duncan said there is no money now; this would be based on new revenue. Council Member Cronin recommended if we do pursue hiring someone to do planning in the city, we hire someone with the education to be a Professional Planner. Mayor Nelson said he would like to contract an employee from another jurisdiction. Duncan said you could also hire a part-time Planner. Shanna Johnson advised that when writing this resolution, it would need to include increased development fees that remain after paying the higher fees for inspection from the County. She explained that the inter-local agreement with the county allows for higher inspection fees if development was to increase in the City. Council Member Cronin said this is something to look at down the road, but she feels that Annexing the “weigh station” (Port of Entry) and work to find another option for our Justice Court needs to come first. She said there are several other things ahead of it. Duncan said this is just a statement of intent, and work would not go beyond stating this as a goal.

**B. APPROVAL OF WARRANTS**

Council Christensen asked why the engineering fees from JUB are coming in so late. Duncan explained that they have been transitioning from one office in Kaysville to another in Logan, and the work also includes transferring our files to Jones and Associates.

**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 Satterthwaite, Yes

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

Shanna Johnson provided a financial report for September 2012. She advised that 25% of the fiscal year has elapsed. 21% of General Fund revenues show as collected, but this includes some monies that will be moved to the previous fiscal year as year-end adjustments are made. 26% of Utility Fund Revenues have been collected. The sewer fund has received 45% of its revenues, which may include some money belonging to Fiscal Year 2012, and the City has collected 28% of non-operating revenues. Shanna stated that the general fund revenue is made up of mostly taxes and that will be collected between November and January. She advised the General Fund has spent 27.4% of its budget, 23.2% of the Utility Fund budget has been expended, and the sewer fund has spent 14.9% of its budget. She advised that sales tax came in at 9.26% higher than September 2011, which is most likely due to the LDS Temple grand opening. So far this year the city has collected 5.82% more in sales tax, than the prior year. Shanna said that she is completing work to close out Fiscal Year 2012 and things look good, it is looking like the General Fund will end with a positive fund balance of around 13%, exceeding the State’s required 5%. She advised this number are unaudited and may change. Mayor Nelson recommended having the presentation of the annual financial report and audit on December 13<sup>th</sup>. Duncan Murray said November

29<sup>th</sup> is also available. Shanna Johnson said she would forward these dates to the Auditor, so they can complete their work in time to comply with the State deadlines. Mayor Nelson said if the only item for council review on November 29<sup>th</sup> is the audit, he would prefer this be moved to December 13<sup>th</sup>.

## **ITEM 6: PUBLIC SAFETY AND PERSONNEL ISSUES**

### **A. RESOLUTION 12-17, APPROVING A “PERRY CITY EMPLOYMENT TABLE”**

Mayor Nelson presented the following items (see attached):

- Perry City Employment Table
- Performance and Training Guidelines

Council Member Christensen recommended having Shanna Johnson train department heads on going through a proper performance evaluation and goal review process. Mayor Nelson agreed that this would be good training and recommended having Human Resources and/or the City Administrator sit in on their performance review meetings and help them with the process.

Shanna Johnson questioned the statement regarding overtime not being allowed and that any overtime approved, will be paid in compensatory time. She said it is against FLSA Wage and Hour laws to deny payment of overtime if the city is requiring the employee to work over 40 hours in one week. She said the employee must agree in advance to compensatory time if they will be required to accept compensatory time in lieu of overtime. Mayor Nelson said he would like to research this and ensure that this is in fact true. He asked Duncan to reach out to other legal counsel to see if this is correct. Mayor Nelson said employees should not be gaining a lot of comp time. He wants employees to use their time; it is not good for an employee to save up to three years of time off; he said people work better if they take time off. Council Member Gerlach asked about the reference to mandatory leave. Mayor Nelson said if the employee does not take time off for the gained compensatory time within 1 month of gaining the time, the employee will be required to offset the hours with the earliest possible mandatory leave. Duncan explained that this line means that the manager will set the mandatory leave at the earliest possible date. He said this is listed as the earliest possible, to address city emergencies. Shanna stated that there is not that much comp time gained by employees, but you must be careful how a policy addressing comp time and overtime is worded or you could violate wage and hour laws and face penalties. Council Member Christensen said he knew some individuals in Human Resources that could help research this. Mayor Nelson said he would like to research all the options. He said in the past the city has been burned by excessive comp time gained by employees. Duncan recommended changing the new policy to read as “Except as required by State and Federal law, no overtime is allowed”. He said this may help to address any issues. Mayor Nelson agreed to this change. Shanna stated this really is a management issue. She said managers should not be approving excessive amounts of overtime or comp time, and if this is happening it should be addressed with that specific manager. Mayor Nelson agreed.

Mayor Nelson said another issue that needs to be addressed is making sure that we hire professionals to help with large public works issues. He said the water main break at LW’s is a perfect example and if the public works department would have called in a specialist sooner, the water break would have been resolved much quicker and at a lower cost.

Council Member Cronin said it looks like the city is paying for 40 hours of training and she thought that the city would only be paying for 20 hours of training. Shanna Johnson also questioned the training hours, stating that she thought the city was providing up to 40 hours of training, which could be used for performance increases based on approval. She said the guidelines presented state that the “First 20 hours” will be for mandatory training, which will not be eligible for performance increases or lane changes, and then the “Second 20 hours” will be available to employees to use toward increases. She asked what happens if the employee does not have 20 hours of mandatory training or those who have more than 20 hours. Mayor Nelson advised that the city will be paying for mandatory training, which cannot be used for an increase or lane change, because this is part of the employee’s regular job. The city will then pay

for up to 20 hours of extra job related training (subject to approval) that the employee can use toward a performance increase or lane changes. He asked Duncan to edit the guidelines, removing the words “First” and “Second,” because this makes it confusing. He said the policy should just read that 20 hours of training will be available for mandatory training and 20 hours will be available for training needed for performance, and the employees can then use their own time and money to obtain a total of up to 60 (or more) hours of job related training, which will qualify them for the highest performance level/increase of \$0.36 per hour.

Council Member Cronin asked about having a contract, where employees will be required to pay back training if they leave shortly after receiving the training. Mayor Nelson said the amount of money being put into training is so minimal that he is not sure how to write this. He said maybe the requirement will be 3-months of employment for every \$500 paid in training. He said he is unsure how to address this.

Jay Newman asked if there are performance guidelines for the employees. Mayor Nelson said yes and they are based off of the employee’s job descriptions and assignments.

**MOTION:** Council Member Cronin made a motion to table Resolution 12-17 approving a Perry City Employment Table and Performance/Training Guidelines until final changes can be made. Council Member Christensen seconded the motion.

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

Council Member Cronin thanked Mayor Nelson for his time and work on the employment table.

**B. ORDINANCE 12-Q, PAY SCHEDULE FOR STATUTORY EMPLOYEES**

Duncan reviewed the wages up for approval as follows:

- City Administrator/Attorney - \$38.86 per hour (\$80,828.80 annually)
- City Recorder - \$20.50 per hour (\$42,640.00 annually)
- Deputy Recorder - \$17.36 per hour (\$36,108.80 annually)
- Treasurer (part-time, 1220 hour per year worked) - \$16.23 per hour (\$19,800.60 annually)

**MOTION:** Council Member Gerlach made a motion to approve Ordinance 12-Q, Pay Schedule for Statutory Employees. Council Member Christensen seconded the motion.

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

**C. REPORT REGARDING ASSIGNED AREAS OF RESPONSIBILITY IN THE PUBLIC WORKS DEPARTMENT**

Duncan Murray advised that there have been many changes in the Public Works Department. Codey Illum left the city to work at the County, creating openings in the department. Ty Thompson was hired to work Full-Time at the city, creating an opening for a shared employee (between WWTP & Perry City), which was filled with Jared Quayle. Because of the many changes in the department, the group met to review and assign areas of responsibilities. Duncan Murray presented the results of the meeting:

<b>PERRY CITY PUBLIC WORKS DEPARTMENT - AREAS OF RESPONSIBILITY</b>	
<b>Area of Responsibility*</b>	<b>Employee(s) Primarily Responsible*</b>
Culinary Water System (incl. Monthly Meter Readings, Shutoff Notices, Blue Stakes, Water Main Breaks, Other Repairs, etc.)	Paul (but with everyone being trained to do)

Sewer Collection System (incl. Annual Manhole Inspections)	Paul (but with everyone being trained to do)
GIS (incl. Coordinating Training, Field Work, Computer Work, etc.)	Paul & Ty (but with everyone being trained)
Connection Inspections & City Right of Way Permits	Paul
Public Improvement Inspections	Ty (Boyd Hirschi also available if necessary)
Detention Ponds/Basins	Greg
Storm Drains & Curb/Gutter/Sidewalk Repairs	Ty
H-89 City Center Area (incl. Sprinklers, Mowing, etc.)	Zach & John**
Parks & Recreation (incl. Trails, Scheduling Fields/Diamonds, & Flowers/Grass Around City Building)	Greg
Street/Park Lights	Greg
Street/Park Signs	Greg
Paved Streets (incl. Paint, Sweeping, Potholes, Periodic Repairs, Annual Asphalt & Chip/Seal Projects, etc.)	Ty
Collars (for Manholes, Valves, etc.) in the Paved Streets	Ty & Jared**
Gravel/Dirt Roads (incl. Grading & "Dustguard")	Ty
Weeds along the Gravel/Dirt Roads, fire hydrants, etc.	John
Snow Removal (on Streets/Roads/City Parking Lots)	Greg
Salt (on Streets/Roads/City Parking Lots)	Paul
Garbage (Delivering New Cans, Replacing Broken Cans, etc.)	Zach & John**
Animal Control+	John+
City Building Maintenance (incl. all Fire Extinguishers, Cleaning Bays, Light Fixtures/Bulbs, & Walkway Ice Melt/Snow Removal)	Jared & John**
Fleet Management for all Non-Police Vehicles/Heavy Equipment (incl. Annual Registration & Periodic Cleaning/Maintenance)***	Jared***
Assisting with State Property Cleanup (near Shooting Range)***	Jared***

\* Under the direction of the Public Works Director (Paul).  
\*\* If two employees are listed, the first listed has primary responsibility, & the second has secondary responsibility (under the direction of the Public Works Director).  
\*\*\* Also temporarily reporting directly to the City Administrator (Duncan) & the Mayor, since "Fleet Mangmt." is a *new* area of responsibility, & "Assisting with State Property Cleanup" is a *temporary* area of responsibility.  
+ Chief Dale Weese and the Police Department are available to assist (incl. with euthanasia).

Mayor Nelson recommended a few changes to the document prepared by Duncan.

**ITEM 7: TRAINING REGARDING GRAMA REQUESTS**

Duncan Murray provided training on the Government Records Access Management Act (GRAMA) and how to respond to requests as outlined in Utah State Code 63G-2.

**ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

**A. APPROVAL OF MINUTES FOR:**

1. October 11, 2012 REGULAR MEETING

**MOTION:** Council Member Christensen made a motion to approve the minutes for the October 11, 2012 City Council Meeting. Council Member Cronin seconded the motion.

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

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

**B. TODD CHRISTENSEN:** reported he attended the city managers meeting regarding Utopia. They discussed budgeting and organizational updates. He said there were not a lot of decisions made during the meeting. He said Duncan Murray will be attending the next meeting. He said that he has information regarding upcoming business fairs to get on the website. He said he would also like to start working on getting local business information on the website. He said he met with Council Member Cronin to plan a business opportunity dinner for local businesses. He said after looking at scheduled events throughout the county, they plan to hold the dinner either the last week of January or the first week of February. He wanted to confirm the meeting schedule for the rest of the year. Duncan Murray advised there are Council meetings scheduled on November 8<sup>th</sup>, November 29<sup>th</sup> (if needed), and December 13<sup>th</sup>.

**C. MARCI SATTERTHWAITE:** questioned if Council Member Nelson had scheduled the Christmas Movie and if information would be in the newsletter. Duncan said the city has not been informed of anything yet. Shanna asked if a post card is usually sent. Council Member Satterthwaite said yes, but it is usually in the newsletter as well. Mayor Nelson asked city staff to follow up on this.

**D. KAREN CRONIN:** said there are many business conferences coming up. She said the main conference will be on November 9<sup>th</sup> and it is free charge, and you pre-register online at the Box Elder Economic Alliance site; you will get free breakfast and lunch. She said at the end of the day, the event will include “A Taste of Box Elder County”, in which local restaurants will give out samples of their food, and businesses can come and network together. She said one of the keynote speakers will be Jaime Patterson, CEO of Hyper-comp, a company that builds gas tank composites. She reminded everyone that Governor Herbert will be in town tomorrow at the USU Brigham Extension and encouraged all to show their support. She also reported that the Youth City Council went trick-or-treating for canned goods, which were donated to the food pantry, and they will meet November 8<sup>th</sup> to take a tour of Maddox and discuss the importance of businesses in a community. She announced that this week is the last week that the gun range will be opened.

**E. PETER GERLACH:** stated he sent a letter to Boyd Montgomery to address his issues and expected him to attend the meeting to make public comment, but he did not attend. Duncan Murray said it was a good letter, providing him the steps he needs to take in order to receive assistance from the city.

**F. JANA NELSON:** Absent, nothing reported.

**G. MAYOR NELSON:** said he attended a meeting regarding the Willard Spur. He said they discussed the outfall from the Perry-Willard Wastewater Treatment facility. He said he assisted the CERT Team with putting up emergency tents as practice for any events that may occur.

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

- Notice to all that Deer are back on the road
- Christmas Movie details
- Regulations regarding Snow Removal & Cars on road

**ITEM 8: ADJOURNMENT (NEXT REGULAR MEETING ON November 8, 2012 AT 7:00PM)**

**A. MOTION TO ADJOURN**

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

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

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

The meeting adjourned at 9:23pm.

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Susan Obrey, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder