

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
SEPTEMBER 27, 2012

7:00PM

OFFICIALS PRESENT: Mayor Nelson presided and conducted the meeting.
Todd Christensen, Karen Cronin, Jana Nelson, Peter Gerlach, Marci Satterthwaite (arrived at 7:01pm)

CITY STAFF PRESENT: Duncan Murray, City Administrator
Susan Obray, City Recorder
Shanna Johnson, Chief Deputy Recorder
Dale Weese, Chief of Police

OTHERS PRESENT: Kim Barnard, Jim Barnard, James Barnes, Laura Ault, Fred Donaldson, Greg Young, Lani Braithwaite, Lane McKellar, Cale Barnard, Carol Andreasen (Bear River City), Dean Ayala, Kody Quayle, Ken Quayle, Ace Clark, Craig Hansen, Taylor Clark, Eric Halter, Jay Newman, Jennifer Hansen, Reese Nelson, Shirlene Peck, Val Hansen, Jill Goedel, Kelly Harju (Brigham City)

ITEM 1: CALL TO ORDER

Mayor Nelson called the meeting to order.

A. INVOCATION

Council Member Nelson offered the invocation.

B. PLEDGE OF ALLEGIANCE

Karen 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

None.

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

Shanna Johnson passed out the warrants.

Approx. 7:53PM

Mayor Nelson presented Jill Goedel with the yard of the month award for August.

Approx. 7:54 PM

D. PRESENTATION OF CERTIFIED MUNICIPAL CLERK DESIGNATION TO SHANNA JOHNSON

Mayor Nelson presented Shanna Johnson with her Certified Municipal Clerk designation. He thanked her for her hard work in earning her certification.

Approx. 7:18PM

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARING

A. PUBLIC HEARING REGARDING THE FUTURE USE OF THE PERRY CITY ACCESS ROAD TO THE PUBLIC SHOOTING RANGE AND HUNTING AREA WEST OF I-15

Mayor Nelson reported that the land that has been accessed in the past for hunting near the sewer lagoons was thought to be owned by Perry City, but in fact belongs to the State. He introduced Laura Ault, a representative of the State, to the attendees and asked that she explain the allowed access on the land. Laura Ault explained that the State granted Perry City the land for the sewer lagoons (and the land where the shooting range is has also been deeded to the City). She said there is a reversion clause in the deeds that states if this land ever ceases to be used for public good, it will revert back to the State of Utah under sovereign land ownership. Ms. Ault said she is the Sovereign Land Coordinator for the State of Utah and explained that the division of Sovereign Lands manages navigable waterways in Utah including the Great Salt Lake, Utah Lake, the Utah side of Bear Lake, the Jordan River, Bear River, and parts of the Green and Colorado rivers in Utah. These are managed for the public good and there are State Laws and Regulations that govern the areas. She stated the current issue at hand is that the areas surrounding the sewer lagoons and the shooting range, which are sovereign lands, have had motor vehicle use on them and the State does not allow motorized vehicle access on sovereign land. She said there are also a number of unpermitted improvements made to the land, and there has been dumping of materials on the land. She said the State would like to continue to allow public access for hunting, but they are unable to allow motorized vehicle access. She said work will be done to stop the motorized vehicle access and there will be a gate installed for walk in access. She demonstrated on a map where the sovereign land is located. She advised that there is also land that is owned by the Bird Refuge and they would need to be contacted in regards to access to their lands. Ken Quayle asked where the channel (that is currently being used to dock boats) is located in reference to the sovereign lands. Ms. Ault stated the channel is located on the State's land. She said she would be sending GPS photo points to the Mayor and Police Chief. Lane McKellar asked if there were any exceptions allowing motorized vehicles on sovereign lands. Ms Ault said that this has been discussed, but it is in the management plan to not allow motorized vehicles on sovereign land. Mayor Nelson said Perry City is working with the State, because we want to be good neighbors and we want to ensure that we continue to have access to the area. Mayor Nelson said that once the maps and GPS photo points are available, they will be posted on the city website. Council Member Cronin asked what is on the land that would be considered to be non-conforming. Mayor Nelson said there is a man-made canal, concrete staging areas for loading boats, and motor vehicle tracks on wetlands. He said that the State will be closing access to motor vehicles, but will leave walk in access to the area for hunting. Ms. Ault said they would work with management to see if parking can be provided for the area. Council Member Christensen asked if there would be access to the boat ramp. Ms. Ault said that the ramp is not allowed and is an unauthorized improvement in the area. Ms. Ault said airboats are allowed on sovereign lands, but accessing the boat ramp would require motorized vehicles, which are not allowed on the lands. There is also the issue with the unauthorized boat ramp and water that is in the area, which will need to be researched (to see where it is coming from). Council Member Gerlach stated it seems there are miscommunications that are decades old and we need to work together to try to come to a solution. He said no one was accessing the area with malicious intent. Ms. Ault said the State is not looking to punish anyone, but they want to clear up some confusion in the area. She said there has been a locked gate in the past, which limits public access to sovereign lands, and which is not allowed.

Approx. 7:21PM

MOTION: Council Member Cronin made a motion to open the public hearing regarding the future use of the Perry access road to the public shooting range and hunting area west of I-15. Council Member Gerlach seconded the motion.

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

Motion Approved. 5 Yes, 0 No

Lane McKellar: said he is a fairly new Perry City resident. He stated access to the boat ramp and hunting area separates them from everyone else and is something special. He said now that they understand the restrictions in the area, there are some things they need to work through; first, is access and the vandalism that has taken place out there. He said no one likes to see this happen and he recommended a magnetic card lock so people who access the area can be tracked. Second, is working out issues with the State and possibly obtaining more land so that the ramp can be accessed and/or easier walking access.

Ken Quayle: said he agrees with Lane McKellar. He explained the boat channel is not a new thing and has been on the sovereign lands for 45+ years and there were some improvements installed in the area, but no one knew that permission was needed to improve the area. He said his concern is that they have hunted the area for close to 50 years and he is not sure that they will be able to continue to have access to the channel. He said he knows there are issues across the state with landowners locking up State lands and selling permission by key. Ms. Ault said locking up the lands is not allowed. He said he does not access the land much, and usually uses the bird refuge land, but he hates to see any access to hunting closed.

Ace Clark: said he agrees with the comments made by Ken Quayle. He said he has hunted the area since he was a child. He said he never really used four-wheelers in the area, except for once in a while when the area was dry. Mayor Nelson said the tracks out on the land are fairly recent.

Laura Ault (State Sovereign Lands Coordinator): said the State is not trying to take away access, they are trying to open access to the area to everyone and not have access behind a locked gate. She said the State does not allow locked gates with paid access on sovereign lands. Council Member Cronin asked if there is some way to ensure there is not future damage to the area. Ms. Ault said they would fence the area, but have walk-in gates allowing walk-in access to the public.

Kelly Harju: said he is from the Brigham City, but teaches hunter education in the area. He would hate to see the gun range shut down during hunting. Although he is concerned with public safety, he said wherever the access and hunting is allowed, we need to ensure that no one hunting or using the gun range is in the line of fire.

Lane McKellar: said that everyone needs to work together, whether this means we shut down the gun range down during hunting season or limit access to the grounds to only during hunting season. This may help with vandalism in the area.

Kim Barnard: said she has been a resident of Perry City for 28 years. She said this is a hot topic with hunters, especially in reference to hunter education and the gun range. Most hunters go out early in the morning and are back by noon. She suggested limiting gun range hours to the afternoon during hunting. She said it is everyone's responsibility to know their surroundings and use firearms safely. She said hunters know these rules and everyone can use reminders so they do not become complacent. She said we all need to work together. Mayor Nelson said access is still there and they are going to work to make the shooting range safer with a higher berm, etc. He said the reason for tonight's meeting is to make everyone aware of proper use in the area. He said the shooting range will be closed for opening day of hunting and will be closed in the winter. He said there are issues with the canal and dumping in the area.

Cale Barnard: said has lived here his whole life and enjoys hunting in the area. He asked Ms. Ault if there is any chance that the State would allow access to the boat ramp, since it has been there and used for over 50 years. Ms. Ault said not currently, but this possibility is under review. She advised that an

investigation into where the water is coming from and where it is ending up will need to take place before this decision can be made. Cale suggested going out in a boat and checking out the area. Ms. Ault said they will, but there will be changes to access in the area. Cale clarified that only walk in access will be allowed. Ms. Ault said yes, and they may provide access to parking. Cale asked that if they do allow parking that they put this near the boat ramp. Ms. Ault said that the State and Federal partners would need to discuss this. Cale said he enjoys hunting there and agrees with all that has been said.

Ken Quayle: stated there is federal access to the land, so regardless of what is decided there will be hunters in the area. He said the gun range might need to be closed during the hunting season. Mayor Nelson stated the City is looking at this and working with the Bird Refuge on safety in the area.

Jim Barnard: said so boat use is okay, but not motorized vehicles. Ms. Ault agreed. Mayor Nelson stated docking the boat is going to be the problem.

Council Member Cronin: asked how far from Perry City's road is the boat access. Mayor Nelson said 1,000 yards. Council Member Cronin asked if the State has ever sold sovereign lands. Ms. Ault stated the only sovereign land ever sold was to Perry City, because sovereign lands are to be held in the public trust and never to be sold. She said that at times the land can be leased.

Kim Barnard: asked if they can get their boats down there, can they dock the boat and park on State land. Laura Ault said no, not at this time. She said if you have a boat in the canal that is fine, but you cannot drive a motor vehicle on State lands to get it there.

Ken Quayle: asked at which point they have access at. Mayor Nelson said as of right now, there is only walk-in access. Ken Quayle asked where they could park. Mayor Nelson said that is something they still need to find out, and he would let them know via the website, once the State makes that information available.

MOTION: Council Member Christensen made a motion to close the public hearing and reopen the public meeting. Council Member Nelson seconded the motion.

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

Approx. 7:56PM

B. PUBLIC COMMENTS

Jay Newman: said the corners of 500 W./Allen St. and 450 W./ Allen St. are still collecting mosquitoes. He asked that the corners be cleaned up. He said there was some roadwork done and asked why the hole at the bottom of Maddox Lane was not filled. He said Utopia is in the news again and they are in the red. He said he is sick of Utopia bleeding the city dry and he wished the State would shut them down. He said many cities have problems with Utopia and it is not just Utopia, but the providers too.

ITEM 4: LAND USE ISSUES

A. DISCUSSION REGARDING SEPTEMBER 6, 2012 PLANNING COMMISSION MEETING

No discussion.

B. MOTION OR ACTION REGARDING THE FUTURE USE OF THE PERRY CITY ACCESS ROAD

Mayor Nelson said the city is not ready to take action at this time, and we need more information from the State before action can be taken. Council Member Cronin asked if the lock should be removed. Mayor

Nelson said no, not until the State decides what access is allowed. He said the city couldn't just open it to walk in access just because the State wants this. Perry City still needs to control access to their land. He said this is more than a parking issue. There is an illegal waterway on the State lands. Council Member Satterthwaite asked why there is a locked gate. Mayor Nelson said it has always been locked. He said members of the community installed the gate in the mid 1970's. He said the same members of the community installed the canal as well. Mayor Nelson said that is why he had the second gate put up, so that the unauthorized use would stop. He said you couldn't give one person access without giving everyone access. The gate can be there because people have to travel through Perry City lands to get to the State lands. He said that since he has been Mayor of Perry City, there has not been a duck club. He said the State cannot put a public right of way through a private entity's land and Perry City is a private entity. He said once Perry City allows access, the State can place a right of way. Council Member Satterthwaite clarified that you could hunt on the land. Mayor Nelson said yes. The issue is not being able to hunt; it is access and how you get to the lands. He said the State's three concerns were: the limited hunting access, the illegal waterway, and the unauthorized dumping on the property.

MOTION: Council Member Gerlach made a motion to table item 4B, until further information is received from the State. Council Member Christensen seconded the motion.

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

C. DISCUSS ONLY (NO ACTION) OPTIONS TO COMPLETE IMPROVEMENTS IN CANYON GATE SUBDIVISION PHASES 4 AND 5

Shirlene Peck (developer) reported that they began the landscaping at her new business location, but had to stop work because the power box is too close to the detention basin and a concrete barrier had to be built around it. She said they began the work, but Blue Stakes missed marking a power line and the contractor cut power to the building. This took all day to correct, but it is done and they can start work on the barrier again. She said that they are looking at moving her old building to a mobile home park in Brigham City for her old building and if that does not work out, they will be placing this on a regular single family residential lot they own. She said that she is unsure of a completion date, due to the unforeseen issues at the site. She said this is a 5 bedroom home that previously was generating rent from Air 2 Data. She is anxious to get the building moved and rented. Council Member Christensen asked if the stairwell in the back of the building has been moved. She said she would be selling this on KSL classifieds. Council Member Christensen asked if all issues with the delivery lane and asphalt sloughing off have been taken care of. Shirlene said there is gravel currently stabilizing this and the landscaping will take care of this as well.

D. DISCUSS OPTIONS FOR AN ORDINANCE FOR COMPLIANCE WITH PUBLIC SAFETY REGULATIONS (POSSIBLY SEND RECOMMENDATIONS TO THE PLANNING COMMISSION)

Mayor Nelson said we have always needed an ordinance for compliance. He stated the ordinance must include a clear process for addressing safety issues. He said he contacted a few cities in an effort to find an ordinance that could be streamlined for Perry City's needs. He explained he would like this process to include letters to the property owner and by the fourth letter, the city will take care of the issue and bill them. If they do not pay this, the City will then either place a lien on the property or put the charge on their City bill. He stated he wants the ordinance to work for all issues, whether it is moving a trailer or cutting down weeds. Duncan Murray presented the model that Riverdale City uses. He said the procedure is as follows:

1. Letters be sent and a voluntary correction takes place.
2. If voluntary correction does not take place, an administrative fine can be issued.

3. If this does not correct the issue, other remedies can be implemented:
 - a. Abatement by City,
 - b. Monetary fine,
 - c. Civil Actions,
 - d. Criminal Actions,
 - e. Abatement by Eviction, or
 - f. Lien for costs of remedy.

He said there is a lot of discretion while the violating party is working with the city, but once they quit working with the city, there is not much discretion, and a clear procedure will be in place to remedy the issue. He said it is a very easy to follow, simple procedure and could be further simplified. Mayor Nelson said he wants this to be easy and based on safety. Mayor Nelson asked the Council to give Duncan some direction on an Ordinance for Perry City. Council Member Cronin said it looks like it may be able to be used for parking on streets and she would like to expedite this, so it can be used this winter. Duncan said there is already an ordinance that covers parking on the streets. Council Member Cronin said she would like the Ordinance to cover any non-compliance issues. Duncan said he could have the Planning Commission start working on this at their next meeting, but there would not be time to have a public hearing at that meeting. Mayor Nelson said he would like for the Planning Commission to start reviewing an Ordinance addressing issues of non-compliance.

MOTION: Council Member Cronin made a motion to direct the Planning Commission to review the draft Ordinance for a non-compliance remedy, hold the public hearing in October if possible, and look at a less invasive remedy than Abatement and Eviction. Council Member Nelson seconded the motion.

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

ITEM 5: FINANCIAL AND PUBLIC UTILITIES, AND TECHNOLOGY ISSUES

A. APPROVAL OF WARRANTS

Council Member Cronin asked what happened to the Dodge Charger that was repaired. Mayor Nelson said a police officer backed up and hit the corner of a building with his bumper. Shanna Johnson explained that this was paid for by the vehicle insurance. Council Member Satterthwaite asked who the officer was. Shanna Johnson said the officer was Cody Herbert.

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

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

B. MONTHLY FINANCIAL REPORT

Shanna Johnson gave a financial update for the month of August. She advised that 17% of the fiscal year has elapsed. 15% of General Fund revenues show as collected, but some of these fees belong to fiscal year 2011-12, so this number will change as year-end adjustments are made. She reported that 18% of Utility Fund Revenues have been collected, the sewer fund has received 39% of its revenues, and the City has collected 20% of non-operating revenues. She said the General Fund has spent 19.5% of its budget, 12.5% of the Utility Fund budget has been expended, and the sewer fund has spent 9.8% of its budget. She reported that sales tax came in at 1.79% higher than September 2011.

C. DISCUSS OPTIONS FOR STREETLIGHTS

Mayor Nelson said he has received many good comments in reference to the street light at the bottom of 2250 South and 1200 West. Council Member Christensen said there is two blocks of streets with no streetlights between 2250 to 2450 South. He said there are many turns and lights are a needed improvement. Duncan said there currently is no budget for more streetlights. The Mayor said the City needs to start budgeting each year to install lights in needed areas. Duncan said there is a little bit of excess revenue in the storm water fund. He said the rate could be changed and a new line item could be added to the bill for streetlights. Duncan reported that the City is waiting for a bid from Rocky Mountain Power for the cost for Perry City to take ownership of streetlights throughout the City. He said once this is received, the City would do a cost analysis to see how much maintenance costs are, how much per month this saves the City on power bills, and how many years it will take to break even. He said that until this bid is received, he has found an individual who can come to their next meeting and provide information on maintaining the lights and the costs associated with this.

ITEM 6: PUBLIC SAFETY AND PERSONNEL ISSUES

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

As part of the new Employment Table, Mayor Nelson presented his draft concept for a performance chart. He explained increases will be based on the following levels:

- **Level 1:** Poor performance and one or more write-ups = No increase
- **Level 2:** Average performance, no write-ups, but no specialized training = No increase
- **Level 3:** Completes work efficiently, only city required (no specialized) training = \$0.12 per hour increase.
- **Level 4:** 40+ hours of training and making steps towards lane change = \$0.24 per hour increase
- **Level 5:** Certification or equivalent = \$0.36 per hour increase

He said if someone gets to the next lane change, they would not get the performance and the lane change; they would only qualify for the lane change. He said this is because the lane changes are big and can be as much as \$1.00 to \$1.50 per hour. He said that the city needs to allow for people to go to training, but not be gone so much that they are not available for the City’s needs. He said, in his career, he has had to get his training “on the side,” and the School District does not pay for the training. Mayor Nelson stated increases need to be tied to something that benefits the city. He said he needs to do more work on the model and will present a more complete chart at the next meeting. Council Member Cronin asked that performance evaluations be reviewed by Human Resources. Mayor Nelson said that the evaluations will go through a review board, and will require their signature, Duncan’s signature, and Human Resources’ signature.

MOTION: Council Member Christensen made a motion to table Resolution 12-17 until next meeting, so additional work on the Resolution can be completed. Council Member Cronin seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. SEPTEMBER 13, 2012 WORK SESSION MINUTES
2. SEPTEMBER 13, 2012 REGULAR MEETING
 - Page 7, Line 20: Council Member Cronin stated the Council Member listed needs to be changed to Council Member Satterthwaite.

MOTION: Council Member Christensen made a motion to approve the minutes for the September 13, 2012 Work Session and City Council Meeting as amended. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Nelson, Yes
Council Member Gerlach, Yes
Council Member Christensen, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Cronin, Yes
Council Member Satterthwaite, Yes

- B. TODD CHRISTENSEN:** requested a meeting with the Mayor and Duncan next Friday regarding Utopia. Mayor Nelson said he is available on Friday from 9:30-11:30am. Council Member Christensen said he sent Council Member Cronin an email to work on setting a date for an Economic Development meeting for local businesses. He said he would like to talk with the businesses about putting information about their business on the city website. He said he would be meeting with Keith Keller on a computer rotation schedule.
- C. MARCI SATTERTHWAITE:** inquired about recycling in the city. Mayor Nelson said the issue is finding a location and he said it costs a lot of money. Duncan stated there is not enough volume. Reese Nelson said there is a paper recycling dumpster at the Three Mile Creek School.
- D. KAREN CRONIN:** stated she has been working with Council Member Gerlach on Youth City Council. They will be meeting next week and they have meetings organized for the next 5 months.
- E. PETER GERLACH:** nothing reported.
- F. JANA NELSON:** Duncan Murray reported that the City Christmas Party has been scheduled for December 7th at 7pm, at the Lodge.
- G. MAYOR NELSON:** reported that the gun range will remain open for hand guns and .22 caliber rifles. They are working through the safety issues. He said that there have been a lot of people in town that use the gun range and it is bringing the community together. He said the hunters are blaming Chief Weese for ruining hunting in the area, but the Chief is just doing what he has been directed to do by the Mayor, and hunting is still allowed by walk-in access. He said the gun range will remain open for as long as it can be, pending weather, but they will work to make it safe for everyone. Mayor Nelson said the city will need to decide if they are going to allow access through Perry City lands to everyone, or shut down access and allow them access through the Bird Refuge land.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- Information regarding Youth City Council (to be in the November newsletter)
- Recycling bins available at Three Mile Creek Elementary

ITEM 8: ADJOURNMENT (NEXT REGULAR MEETING ON OCTOBER 11, 2012 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 Nelson, Yes
Council Member Gerlach, Yes
Council Member Christensen, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Cronin, Yes
Council Member Satterthwaite, Yes

The meeting adjourned at 9:56pm.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder