

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
January 28, 2016

6:30 PM

OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting.
Esther Montgomery, Toby Wright, James Taylor, Nathan Tueller, Brady Lewis

CITY STAFF PRESENT: Greg Westfall, City Administrator
Shanna Johnson, Chief Deputy Recorder
Shawn Blauer, Police Officer

OTHERS PRESENT: Shara Holt, Larry Gordon, Sandra Gordon

COUNCIL TRAINING

Monica Taylor (Perry City Emergency Service Coordinator) gave an overview of Emergency Management and the National Incident Management Systems (NIMS) program. She advised that a community must complete the NIMS program in order to get FEMA funding. Monica reported that the first segment of NIMS training (ICS 402) will be available to the Council on February 20, 2016 in Elwood, UT.

ITEM 1: CALL TO ORDER

Mayor Cronin called the regular City Council meeting to order.

A. INVOCATION

Council Member Montgomery offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Wright led the audience in the Pledge of Allegiance.

C. REVIEW AND ADOPT THE AGENDA

MOTION: Council Member Lewis made a motion to approve the agenda. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Lewis, Yes
Council Member Tueller, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

Shanna Johnson passed out the warrants.

C. APPOINTMENTS CITY BOARDS

Mayor Cronin said that Council Member Montgomery has been serving as a board member on the Wastewater Treatment board. She explained that when the appointment was made in March 2015 it was to be for a few months to approximately July 2015. Mayor Cronin noted Council Member Montgomery has served far longer than the City originally asked her to and it is time to appoint a member to replace her. Mayor Cronin presented the appointment of Greg Westfall to serve as a Perry City Board Member on the Wastewater Treatment Board for a term of two years. Mayor Cronin said that she did not put anything in the packet as the Council already knows Greg. She said that one thing that Greg is really good at is knowing the procedures of how to run a meeting. She said he helped her to streamline City Council meetings. She said as was demonstrated in the last meeting things ran very smooth, we were able to get through the agenda quickly by following State protocols. She advised that Greg also has a lot of experience with budgeting. Council Member Lewis asked what the guidelines and restrictions are for a wastewater board member. Mayor Cronin said that a City resident can be on the board as appointed by the Mayor and confirmed by the City Council. She advised that currently Greg Hansen (of Hansen and Associates Engineering) also serves as a Perry City Sewer Facility board member. Council Member Taylor asked about the makeup of the board. He said there are two members that serve from each City and a mutually selected member. Mayor Cronin agreed and said that currently there is not a mutually selected member recognized by Perry City. Council Member Taylor asked if there have been any other Perry City volunteers that have expressed interest in serving on the board. Mayor Cronin said not recently. She advised that she did consult with legal regarding appointing Greg Westfall to the board and he felt very comfortable with Greg and that he would be a good representative. Council Member Montgomery also gave her support of this recommended appointment. She said that Greg has attended meeting as he has been available and when he is there he is very helpful. She said that he provides legal expertise that are a benefit to the board. Council Member Lewis asked how recent people have volunteered to serve on this board. Mayor Cronin said about a year ago there was a person who casually volunteered to serve in any capacity needed by the City. Council Member Lewis asked if the Mayor would be willing to provide a name. She said not at this time in an open meeting. Council Member Lewis asked if she would be willing to consider this applicant. Mayor Cronin said that Greg Westfall is her recommendation at this time as this is the person she has taken to legal for review.

MOTION: Council Member Montgomery made a motion to approve the appointment of Greg Westfall as a board member on the Wastewater Treatment Board. Council member Wright seconded the motion.

Council Member Lewis asked a question of Greg Westfall. Mayor Cronin said she has a motion and a second so we would need to complete the motion with a vote and then we could have more discussion.

ROLL CALL: Council Member Taylor, Yes
Council Member Wright, Yes

Council Member Montgomery, Yes
Council Member Lewis, Abstain

Council Member Tueller, Yes
Motion Approved. 4 Yes, 1 Abstain.

Council Member Lewis asked if the City would incur additional costs paying Greg to attend meetings or is this something completed within his salary. Shanna Johnson advised that Greg is an exempt employee. Greg stated he already attends the meeting under his role as a City Administrator but expressed his appreciation for the question. Council Member Lewis said he wanted to make sure Greg felt comfortable with the assignment. Greg said he is comfortable with the assignment and that he and the Mayor had talked at length about the appointment. Council Member Tueller stated he feels this is a good fit as it provides an individual that knows all of the back knowledge and has knowledge of the legal requirements needed for the board.

D. BUSINESS LICENSE(S)

- Ranger Communications Inc.

Mayor Cronin reviewed a new business license application submitted by Larry Gordon. She reported that this is telecom sales and service business; it will be located at Mr. Gordon's home with no visiting clientele. She asked Larry Gordon if there was anything else he would like to add. Mr. Gordon said he has had this business since 1997 in North Ogden City. He just moved to Perry City, he does not spend much time at home in the office. He said his wife Sandra works there and he is out tending to service calls. He said he never has visiting clients and there is not a lot of inventory or stock, just a few tools. Council Member Tueller asked for more details regarding what service he provides. Mr. Gordon explained that he maintains telephone systems at hotels and larger businesses as well as computer networking.

MOTION: Council Member Lewis made a motion to approve the business license for Ranger Communications. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Lewis, Yes
Council Member Tueller, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 3: PUBLIC HEARING AND/OR PUBLIC COMMENTS

A. PUBLIC COMMENTS

None.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

Mayor Cronin said that with the warrants tonight there is a warrant pre-approval for the purchase of a new Ford truck. She said this truck would be used at the wastewater treatment plant. She explained that the way that Perry City has tried to help in doing this, is that Perry City is going to front all of the money for the truck and it will be amortized over 8 years. She said that the sewer facility department will pay this back in their budget over 8 years, with Perry City covering 66% of the expense and Willard covering 34%. Greg

Westfall stated that this was talked about and approved in the original budget. Council Member Lewis asked if this was in its own line item or under something else. Shanna Johnson advised that this would be reflected under depreciation. Shanna said this is how we purchase all city vehicles. City cash is used to make the purchase and the vehicle is paid back through depreciation that is charged to the appropriate department budget. She said the depreciation period is usually set at 7-10 years. Shanna said that the depreciation budget line item for wastewater treatment was increased this budget year by \$3,000 to cover the first year of depreciation. Council Member Lewis asked why the depreciation period was set at 8 years. Shanna advised that originally the Wastewater Treatment Board planned to purchase a 2015 truck and depreciate this over 7 years. There were no 2015 trucks available so they went with a 2016 and depreciated this out an additional year. Council Member Tueller asked what this will be used for. Greg Westfall said that they currently have a donated 1998 Crown Victoria that has served them well, this will replace this vehicle and be used to run errands. He said the vehicle purchased will be a 2016 long bed Ford F150. Mayor Cronin said the reason we went with a larger vehicle is that they use the vehicle to haul equipment. Greg agreed stating that it has a larger V8 engine to help with hauling. Council Member Tueller asked if it came with all warranties. Greg said yes; it will be purchased using the State bid price, which means that the State has surveyed all ford dealerships in the State and this was the lowest price available. He said the Ford was also the cheapest of all the makes available. Shanna noted that this will be a preapproval of this warrant tonight and will coming back to the Council for full warrant approval once payment has been made. There were no further questions on the warrants.

MOTION: Council Member Lewis made a motion to approve the warrants. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Lewis, Yes
Council Member Tueller, Yes
Motion Approved. 5 Yes, 0 No.

B. RESOLUTION 16-02 Awarding Contract for City Legal Services

Mayor Cronin advised that we are not ready at this time to bring a name forward for approval. She said this will be reviewed at a later date.

C. APPROVAL OF A REGIONAL DETENTION BASIN PROJECT TO BE PAID FOR WITH IMPACT FEES

Greg Westfall explained that although we are not ready for action tonight he wanted to give some details about the project. He said this is a detention basin project that a developer would be installing on his land on Highway 89 right across from Maddox. He said that they have a commercial lot that they are willing to make a regional detention basin replacing 4 smaller detention basins in the area. He said that the smaller basins are hard to maintain and so this a good project for the City to participate in. He advised when we are ready to approve this the City Engineer will be here to explain more about it. He said that this takes care of some other issues we have with the smaller basins. Some were not kept up, some were undersized, etc. Council Member Taylor asked who is in charge of the smaller basins. Greg Westfall said that some detention basins are signed over to the HOAs but most remain with the City to maintain. Greg said that 3 of the 4 basins are owned by landowners within neighborhoods and 1 lot will remain with the city and could be a future buildable lot.

Shanna said that an important note is that the regional detention basin will increase capacity and that is why it is impact fee eligible. Council Member Tueller asked for calcification on impact fees. Greg explained that impact fees come from new developments and are paid as part of the building permits. He said that the fees are set based on studies completed by outside financial professional such as Lewis Young Robertson and Burningham or Zions Bank Public Finance. Shanna added that they are designed to help pay for the impact that growth has on the community. Greg said you can only charge impact fees on certain items i.e. water system, sewer system, storm drain system, parks. Shanna said you can also charge this for streets but Perry City has not implemented an impact fee for streets at this time. Greg said once the impact fees are collected they are earmarked and must be used on the system of which they were collected for. He said it also has to be used for new infrastructure not maintenance. He said we have six years to use the funds after they are collected. He said that this project will be brought back to the Council for action at a later date. Council Member Tueller asked if we are just awaiting Engineering. Greg said we are waiting on some engineering, some capital facility plan updates and a contract we are finalizing with the developer.

ITEM 5: DISCUSSION

A. *Listed on agenda by mistake as none. Nothing was discussed under item A.*

B. WASTEWATER TREATMENT PLANT

Mayor Cronin reported that at the last Wastewater Treatment Board meeting the Board brought up that they needed a person to be on contract and on-call just in case the Lead Operator is not available to be at work. She said that the board made this recommendation this to the Cities. Mayor Cronin said that part of the justification for a pay increase given to an individual back in November was wrapping up the on-call duties into this individual's regular duties. She said if you have more questions regarding this we can talk more about this in Executive Session. Mayor Cronin said she has talked with the Mayors of Brigham City and Tremonton City and asked if they would allow us to utilize their managers to provide DRC coverage if needed in the event our Lead Operator is unavailable. She said that we would utilize these managers if the Assistant Operator needed help while the Lead Operator was away. She said that they could either talk them through what needs to be done by phone or go down to the plant to assist. Both Cities were supportive and offered their assistance. Mayor Vincent of Brigham City even spoke to our Lead Operator and reaffirmed that with him. Mayor Cronin said the request to hire someone to basically be on-call is not something that we have budgeted for nor do we see the need for. Council Member Tueller clarified that the Lead Operator is full-time and then there is another full-time employee that assists the Lead Operator. Mayor Cronin confirmed that this was the case. She explained that the lead operator has to have a level 2 wastewater treatment certification. She said that if he is not available we have negotiated the opportunity to use a certified manager to be on-call from either Tremonton or Brigham City. Therefore, we do not need to pay somebody else to be on-call year round. She reaffirmed on-call duties were wrapped up as part of the wage agreement made back in November. Council Member Tueller said which means that the Lead Operator is an Exempt employee. Mayor Cronin said yes. Council Member Tueller added that there was a raise given. Mayor Cronin said yes, there was a raise given based on the individual providing on-call services. She said that if the cities hired somebody to be on-call Perry City would have to go back to this person and adjust his pay. She said that this was explained to this individual at the time of

the pay increase. Council Member Tueller asked if the Lead Operator was okay with these terms. Mayor Cronin said yes he was okay with this when she talked with him back in November. She said that it is staff's recommendation that we move forward with utilizing Brigham and Tremonton for on-call services in the event of the Lead Operator being unavailable. Council Member Lewis asked what the legal implications are in only having the non-certified employee just calling a certified individual. Greg said that the State requires that there be a level 2 certified operator available. He said even in the event that our Lead Operator was to take vacation and could be available by phone; our current assistant operator can take care of running the plant with the certified Lead Operator being available by phone in the event of a question or emergency. Council Member Tueller said if our lead guy was not available by phone the back-up could be a phone call to one of the other city's certified operators and if needed Tremonton or Brigham would come down and help out. Mayor Cronin said yes and they have the certifications necessary to provide this support. Council Member Taylor asked what the cost would be for this service. Mayor Cronin said that when she talked with Brigham City Mayor Vincent he stated we would only be required to pay their hourly wage for the time we utilized their services. Council Member Taylor clarified that this would be per visit. Mayor Cronin said yes. Council Member Taylor asked why there is an issue. Greg said that the Wastewater Treatment Board has made a request to look into a full-time, on-call individual. Council Member Taylor asked why. Greg said they like the idea of it. Mayor Cronin said she really does not know why because she has not been at the meetings. Council Member Lewis asked who from the Board has made the motion. Greg indicated that this is the individual running the meeting. Council Member Tueller asked if this was the mutually agreed upon individual. Mayor Cronin said that the individual is not mutually agreed upon. Greg said it was the formerly mutually agreed upon individual. Council Member Lewis asked if anyone else is in favor of this. Mayor Cronin said that this can be further discussed in Executive Session. Council Member Lewis asked if they have made any recommendations regarding who this individual should be. Mayor Cronin said that this position, if approved, would need to be posted. Council Member Lewis said he understands that but wanted to know if they had a name. Mayor Cronin said that this can be discussed in Executive Session as well. Council Member Tueller said if approved the position would have to be posted out to the public and the individual selected would need to be certified.

Mayor Cronin said that she has talked with the attorney helping with the mediation and he indicated that Willard had approached him and said they would like him to come and explain what he and the Willard Attorney had been working on over the last few months. Mayor Cronin said that he and the Willard attorney will be talking with two members of the Willard Council and he offered this opportunity to two of the Perry Council Members (two members from each to ensure there is not a quorum). Mayor Cronin said that she felt this would be a good time to allow two new Council Members to get some information regarding the wastewater agreement. She said that she was out of town on vacation and upon her return she had two council members approach her about the Wastewater Treatment Plant, based off this interest she is going to ask Council Member Wright and Council Member Tueller to go and attend this training. She said that our attorney will be present as well as the Willard City attorney. She advised that the other council members will not be able to attend or this would constitute a quorum and a public meeting. She asked Council Member Tueller and Wright to take notes and bring this back to herself and the other Council Members. Mayor Cronin said that we made an invitation last April to

have this type of a meeting and it was not accepted back then so it is good that we are moving forward now.

ITEM 6: MINUTES & COUNCIL MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. APPROVAL OF CONSENT ITEMS

- **January 14, 2016**

Council Member Montgomery advised that she submitted some grammatical changes to Shanna. Mayor Cronin also stated she had some grammatical corrections.

MOTION: Council Member Montgomery made a motion to approve the January 14, 2016 City Council Minutes as amended. Council Member Taylor seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Lewis, Abstain
Council Member Tueller, Yes

Motion Approved. 4 Yes, 1 Abstain.

B. MAYOR ‘S REPORT: Mayor Cronin advised that she sent out a survey for the Council Retreat and February 4th came back as the date that most people chose as their first or second choice and the only date that no one indicated that they could not attend, therefore we will be hold our retreat on February 4, 2016 from 1pm to 5pm. Council Member Taylor said he is on-call and can be available until 4pm. Council Member Tueller suggested maybe moving this 12pm to 4pm. All other Council Members were okay with this change. Mayor Cronin moved the time to 12pm to 4pm to accommodate Council Member Taylor’s schedule. She advised that this will be held at the Brigham City USU Building.

Mayor Cronin indicated that she will be down at some of the Legislative Sessions next week and asked if the Council had anything they wanted her to bring up. There were no items provided by the Council. She said that she will be providing a legislative update in the next few weeks.

Mayor Cronin advised that there is Elected Officials training on February 6, 2016 with the Utah League of Cities and Towns, and there is the Emergency Preparedness Training on February 20, 2016 from 9:00am to 12:00pm. Council Member Wright asked if the Utopia Meeting was the evening of Thursday, February 4th. Mayor Cronin confirmed that it is on February 4th at 6:30pm and would be a public meeting. Council Member Wright asked if it was placed in the newsletter. Greg stated that it was. Mayor Cronin asked Shanna to have Susan make some signs about the meeting to place on the streets. She asked Shanna to make sure that this is also posted on the website.

C. COUNCIL REPORTS: Council Member Taylor asked what follow up happens when young people make presentation or public comment. Mayor Cronin said if the City wanted to take a look at their suggested project we would look at this during the budget season. He recommended a letter thanking them for coming to talk with the Council. Council Member Lewis added this would not be a policy but a nice gesture to make on a case by case basis. Mayor Cronin said we have not done that in the past but we could go forward.

Council Member Montgomery asked for an update on the public concern made regarding the narrow neck of land located near Perry Park. She said there was some safety issues brought up about a fence pipe sticking out, weeds in the area, etc. Mayor Cronin said that some of this issue will need to be resolved during budget planning. She said we will do the things we can at this time with Public Works staff. Greg said he did forward the concern on to the Public Works Director and they did take care of the immediate safety concern with the pipe sticking out. The weeds, sidewalk, etc will be taken care of in the spring. Mayor Cronin said any scout projects or build out of the area will be discussed during the budget process. Council Member Tueller said the community and neighbors have indicated they are willing to be involved. Mayor Cronin agreed stating she has the letter on her desk and it will be considered during budget planning. Council Member Tueller asked if the snow is being removed from the sidewalks. Greg said yes that they first remove the snow from the streets and then the sidewalks.

D. STAFF COMMENTS: None

E. ITEMS FOR NEXT NEWSLETTER

- None.

ITEM 8: EXECUTIVE SESSION

MOTION: Council Member Montgomery moved to close the Public Meeting and open an Executive Session to discuss potential litigation and character and fitness of an individual. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Lewis, Yes
Council Member Tueller, Yes
Motion Approved. 5 Yes, 0 No.

The Regular Public meeting closed at approximately 7:54pm.

MOTION: Council Member Montgomery moved to close the Executive Session and return to the Public Meeting. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Lewis, Yes
Council Member Tueller, Yes
Motion Approved. 5 Yes, 0 No.

The Regular Public meeting reopened at approximately 8:24pm.

ITEM 9: ADJOURNMENT

MOTION: Council Member Montgomery made a motion to adjourn the council meeting.
Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:25pm.

Susan Obrey, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder