

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
March 5, 2015

7:02PM

OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting.
Peter Gerlach, Esther Montgomery, Todd Christensen, Brady
Lewis

OFFICIALS EXCUSED: Jana Nelson

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Malone Molgard, City Attorney
Joseph Thomas, Patrol Officer

OTHERS PRESENT: Blake Ostler, Boyd Montgomery, Nelson Phillips, Bruce Howard, Paul
Glouser, Kade Glouser, Brett Jones, Paul Reed, Randy Matthews, Greg Hansen

ITEM 1: CALL TO ORDER

Mayor Cronin called the meeting to order.

A. INVOCATION

Council Member Montgomery offered the invocation.

B. PLEDGE OF ALLEGIANCE

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

C. REVIEW AND ADOPT THE AGENDA

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

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 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. BUSINESS LICENSE(S)

Mayor Cronin presented the below new business license applications:

- Simply Exquisite Fashion
- Perry Eye Care
- Chooters
- Goble Medical Group

Mayor Cronin explained Tora Rhodes is the owner of Simply Exquisite Fashion. She will sell women's clothing online and will not have visiting clientele.

MOTION: Council Member Lewis made a motion to approve the business license for Simply Exquisite Fashion. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

Mayor Cronin presented the application for Perry Eye Care, owned by Dr. Paul Reed. She stated the business will have visiting clientele and will be located on the west side of the Wahlen Dentistry office building. Mr. Reed was present and said that he plans to open in May. Council Member Christensen inquired if adequate parking is available for his patients. Paul assured everyone that there is ample parking space available.

MOTION: Council Member Lewis made a motion to approve the business license for Perry Eye Care. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

Mayor Cronin reviewed the application for Chooters, owned by Jordan Ewert. She stated this business carries online personal defense items and has no visiting clientele. Council Member Montgomery said that she would like more information about this business and website.

MOTION: Council Member Montgomery made a motion to table the approval of the business license for Chooters and request the applicant attend the next council meeting. Council Member Christensen seconded the motion. Mayor Cronin asked Shanna to invite Mr. Ewert to attend the meeting held on March 19, 2015.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

Mayor Cronin presented the application for Goble Medical Group, owned by Dr. Marlowe Goble. She said that this business has visiting clientele and will be located at the Maddox Lodge building. It will be an urgent care medical facility. Shanna explained that the business will be open until 5pm, but will take drop in appointments similar to a NowCare.

MOTION: Council Member Montgomery made a motion to approve the business license for Goble Medical Group. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARING

Boyd Montgomery: re-emphasized the need to repair the road and shoulder of 1200 West. Boyd reported some big holes along the edge of the pavement and said a street sign needs to be installed again.

Bruce Howard: explained that he was removed from the Waste Water Treatment Board and he believes the reason was because he supported Willard City’s point of view regarding the interlocal agreement. He reminded the Council that being a member of this board is not a political appointment. He said the goal of the board is to operate the plant and serve Perry and Willard. He said that the charter includes the operation of the plant, not to decide what percentage of the operation is paid for by Perry City or Willard City. Bruce reported that he is 68 years old and has been removed from a position of responsibility twice, and both times he was following the rules and obeying the law. He implored the Council to study the interlocal agreement and be aware of the plan of operations for the plant.

No further public comments

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

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

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

B. FINANCIAL APPEAL BY BOYD MONTGOMERY – UTILITY BILLING

Mayor Cronin reported that Boyd Montgomery’s letter was included in the packet sent to Council Members before the meeting. Boyd is requesting 6 months of his utility bills be excused. The Mayor stated that the policy has been to pardon up to, but not exceeding, \$100.00. She said that the office staff has the authority to waive \$50.00. Council Member Lewis asked Boyd to explain the reason for this request. Boyd explained that his wife is currently in Pioneer Rehab Center and they are responsible for over \$30,000.00 in medical bills. Boyd stated that his son is disabled and needs medical treatment; he has another son living with them that has been ordered to pay a large amount of child support. Boyd stated that he refinanced his house last year, but it has not funded yet. Boyd suggested that

people in this situation could receive assistance if there was a note on the utility bill twice a year requesting citizens make donations for those in need.

The Mayor reminded the Council that only the chair can authorize people from the audience to speak. She asked the Council for their views. Council Member Montgomery asked if there is precedence for this situation, stating the situation she is familiar with is when there is a leak in the winter that cannot be remedied due to snow, therefore an overage is caused. Council Member Montgomery said that this does not appear to be caused by a leak, but rather a financial hardship. Council Member Gerlach asked Boyd if he applied for hardship assistance through a utility program. Mayor Cronin mentioned issues that could arise if precedence is set with this application for relief. Council Member Lewis desired further discussion in a more private setting without the public. Malone reported that the Council has the authority to set precedent, but cautioned that the City should identify what specific situations would qualify others experiencing financial hardship.

Council Member Lewis preferred tabling this issue to explore which options are available. Council Member Gerlach assessed that this situation may qualify for assistance from B.R.A.G., Bear River Association of Governments. Boyd stated that he contacted H.E.A.T., Heating Energy Assistance Team. Council Member Christensen inquired if Boyd has made partial payments. Boyd said that he made a payment a couple of months ago.

Mayor Cronin said this may be a good issue for Boyd to discuss with his religious leaders. Mayor Cronin liked the idea of asking residents if they would like to donate extra money to help the needy on their utility bill. She liked the idea of a relief fund to build up for situations like this, but we have to be sensitive to the fact that the City would be taking money from other taxpayers. Mayor Cronin asked the Council if they wanted to table this issue and obtain more information. She said the City may refer this applicant to programs designed for utility assistance.

MOTION: Council Member Lewis made a motion to table item 4B to obtain additional information with a request for City staff to spend up to 2 hours to obtain information about the B.R.A.G. utility assistance program. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes

Motion Approved. 4 Yes, 0 No.

C. ORDINANCE 15-C ADOPTING THE 2015 PERRY MUNICIPAL CODE

Mayor Cronin turned some time over to Perry City Attorney, Malone Molgard to discuss the new municipal code and the municipal code online system. Malone stated that he had a printed version of the City codes there for review. He said that the Council received training to use the municipal code online system previously. He explained that the next step is to adopt the code and then the old code will no longer be valid. Mayor Cronin asked if something is missing in the new codes, does that mean that it is no longer a policy. Malone said that was true. The Mayor asked if wording could be added to encompass items left out in error.

Malone suggested approval be tabled until the Council is able to approve of the whole online code. He explained it would be difficult to combine two versions. Council Member Christensen inquired what the process would be to adopt a missing item after the approval. Malone explained that some items are not in the codes such as some of the policies passed by resolution, and those stored in a procedures binder. Malone would like these items to be included in the online code. Malone said that the City is open to liability unless the policy is amended and adopted as code. Malone said that it is best to replace anything missing and then repeal the old code.

Mayor Cronin wanted to find the flag lot ordinance. Malone said that the code can be passed and then the city can adopt a new flag lot ordinance. He said that the flag lot ordinance is up for review at the next Planning Commission meeting so it could be passed quickly. Malone said Title 80 of the previous code includes the Council Procedures because that was passed as a Resolution and they thought it better in a binder not in the code. Malone stated that he would like this passed as an Ordinance and included in the Code. He said that this will not cause liability to the City, we simply need to adopt this as a policy or adopted as code. He said the flag lot ordinance is more problematic, because if someone makes application it must be approved until the new flag lot ordinance is passed. Shanna explained that the flag lot ordinance is not part of the 2010 Code that was last codified and the Ordinance passed since this is nowhere to be found. Shanna state that staff looked for an entire year. They looked in office and on a jump drive that was given to the City from the previous City Administrator. Council Member Christensen asked if staff has ever identified the day it was discussed in City Council Meeting. Shanna said that Susan did find the notes from when the ordinance was discussed but not the completed final ordinance. Council Member Christensen said that he has all the meeting packets from the past and if he had a date, he could look to see if he could locate the flag lot ordinance. Shanna said that Susan has looked at all the packets, but in the past the previous City Administrator would read a paragraph of an ordinance or provide a section of an ordinance to be changed, but not the complete ordinance in the Council meeting. The Council would make motion based off this information, but an ordinance would never be drafted in final form for the Ordinance book. So without the actual ordinance number being given to the document, or the title or date, it is hard to locate this. Shanna advised again that the notes and draft copies presented in meetings have been found, and could be used to draft a new Ordinance to be passed and added to code. Mayor Cronin asked if it could be included in the code that if an item is not identified it is not allowed. Malone said no, we could table this until these items have been added. Codey Illum is working with the Planning Commission to complete the flag lot ordinance. He said that the Council could also pass the code and then address missing items as they come up. Mayor Cronin noted the advantage of having the correct numbering system if the online codes are adopted now. Council Member Christensen wanted to wait and table the codification so that he can review his notes and items in previous packets.

MOTION: Council Member Christensen made a motion to table Ordinance 15-C. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes

Council Member Montgomery, Yes
Council Member Lewis, Yes

Motion Approved. 4 Yes, 0 No.

D. ORDINANCE 15-D TO AMEND AND CLARIFY STREET NAMES AND SIGNAGE IN THE PERRY MUNICIPAL CODE

After public and Council discussion, Mayor Cronin announced that the street numbers should be the main part of the street sign and the street name should be subsequent to it. She recommends that the Council use discretion and consider exceptions on a sign by sign basis. She said the standard would be street number prominent and street name sub-prominent with Council having discretion to approve exceptions as needed. Council Member Montgomery asked if prominent and sub-prominent refers to the size or placement on the sign. Mayor Cronin stated this is referring to size. Council Member Christensen said that this is important as emergency services use the street numbers to find locations. Mayor Cronin asked if it could be noted in the street names section (10.03.010) of the Ordinance that “All publicly known non-numbered street names in place as of March 5, 2015 shall be accepted by the Council,” so that Council will not need to grant exceptions for these streets. Malone agreed to add the amended language. The Mayor explained that citizens could petition the City if they desire a non-numbered sign after March 5th. We have a standard now and an exception could be made if a street is publicly known by a non-numbered name with a signed petition.

MOTION: Council Member Gerlach made a motion to approve Ordinance 15-D amending the street names standards and approval procedures with the amendments noted. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes

Council Member Montgomery, Yes
Council Member Lewis, Yes

Motion Approved. 4 Yes, 0 No.

E. RESOLUTION 15-01 APPROVING A FEE FOR RESIDENTIAL CHICKEN PERMITS

Mayor Cronin said that she asked Malone to put into this resolution that the fee will be \$8.00, which is the same amount as a dog license. Dog licenses must be renewed in January and this ordinance will require chicken permits be obtained by April 30th. This offsets the renewal period and workload in the office. Council Member Montgomery recommended the amount be reduced to \$5.00 for a chicken permit. She felt it is a reasonable expectation when buying a dog license due to the benefit of a tag for the dog. Council Member Montgomery said the chicken permit is more of a contract and no tag is exchanged. She said that code enforcement is already listed in the Ordinance. Council Member Gerlach and Christensen approved of the \$5.00 permit for chickens. Council Member Lewis approved of the ordinance wording and was okay with a \$5.00 fee. Mayor Cronin stressed the importance of the chicken owner signing the permit.

MOTION: Council Member Montgomery made a motion to approve Resolution 15-01 with an amendment to change the fee amount to \$5.00. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Council Member Christensen stated he would like to see the permit form that chicken owners will sign. He wants to ensure it states that renewal is required annually. Mayor Cronin stated the permit will be ready April 1st.

F. FINAL APPROVAL OF SUNRIDGE SUBDIVISION PHASE 5

Mayor Cronin turned some time over to Brett Jones (City Engineer) to review Phase 5 of Sunridge Subdivision. Brett presented the challenge of connecting 2 subdivisions on plat 4 and plat 2 with a curving road. He recommended a 20 miles per hour sign be posted to prepare drivers for the curve ahead. Brett reported the contractor did a good job connecting the 2 subdivisions. He said the drainage issues were addressed, stating that at times issues occur in these situations of 2 large lots without much hard surface. Brett stated that an area has not been set aside for a detention basin, but that the drainage should be adequate. Brett said that a drainage line is proposed so that water can run down the side easement. The contractor is proposing curb and gutter and partial sidewalk. The Subdivision on Plat 2 is unimproved at this time with curb and gutter and sidewalk planned. Brett reported that all of the terms and concerns have been addressed. Mayor Cronin explained that the City has allowed other contractors to put money into an escrow account if they wanted to wait to install curb, gutter, and sidewalk.

Mayor Cronin asked Greg Hansen to discuss what the Planning Commission defines as partial curb and gutter. Greg Hansen reported that it means full curb, gutter and sidewalk on one side. He said that the Planning Commission is allowing the curb and gutter to continue and begins narrowing down to be the same as the road it will meet. The developer was present and said that he preferred to install curb and gutter and sidewalks in lieu of an escrow account. Greg stated that the developer is willing to install curb and gutter and partial sidewalk and transition from one subdivision to the other. He said that each lot is improved with a berm to lower the potential for flooding. The location of the lots will keep flooding to a minimum he stated. Council Member Christensen asked if the width of the road is less than 50 feet. He wondered if a 'no parking' sign would be necessary so vehicles could pass safely. He said parking would be an issue as well as snow removal. Greg replied that the load surface was similar to the asphalt on a 60 foot road.

Mayor Cronin asked if there were rural road agreements in previous phases of the Sunridge Subdivision. She wanted to know who should put in the curb and gutter in Phase 2. Council Member Montgomery asked if the road needs to be widened. Greg said that it did need to be widened. He stated that curb, gutter, and sidewalk are important on the west side of the road but not as critical on the east side. Greg indicated where the road narrows

to a 25' right of way. Council Member Montgomery suggested the road be at least 35' wide. Greg showed that the road would extend into the property line if it was wider. Brett suggested an agreement to mitigate the width issue if the City does not intend to bring the curb to that area. He suggested the homeowners could sign an agreement to forgo a future sidewalk. Council Member Lewis asked about the 50' right of way required in the ordinance and if sidewalk is required also. On Phase 5, the Planning Commission wanted a sidewalk. Malone stated that curb and gutter are required but if the road is not wide enough a variance is required. He said the exception requires a petition to the Board of Appeals to make a definitive decision.

Greg Hansen and Brett Jones suggested that the Subdivision could be approved with a deferral, deferring the sidewalk. Council Member Lewis prefers curb and gutter on both sides and sidewalk on one side and a deferral until the City acquires the right of way. Brett alleged that the road would most likely never be widened if it was deferred for a later date. Brett explained that the original developer is responsible, but realistically the documents are lost over time. Council Member Christensen suggested doing a variance now for curb, gutter and sidewalk on the west side because this is an unusual circumstance. The City is not faced with this situation very often. The benefit would be that the street would be installed and water management would be improved. Mayor Cronin asked Malone to research if a variance is required by the Special Uses and Appeals Board. The Mayor asked Malone if the Council can grant the variance. Malone reported that a 5 member Board of Adjustments is required for the variance. Council Member Christensen asked if the Board of Adjustments decision is only needed if the City Council does not grant a deferral. Brett reported that the Board of Appeals is necessary if the contractor varies in any way from the standards specified in the ordinance. Council Member Gerlach asked if Perry City would be responsible to install sidewalk if a deferral is approved. Malone agreed that the City would have to pay for the sidewalk if it is deferred. Council Member Gerlach stated that a deferral makes sense at this time with sidewalk, curb, and gutter on the west side and the same on the east side, but no sidewalk.

MOTION: Council Member Gerlach made a motion to approve Sunridge Subdivision Phase 5 with the amendment that curb and gutter will be placed the entire length on each side, sidewalk will be installed the entire length on the west side, and granting a deferral of sidewalk on the east side. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

G. APPROVE USE OF IMPACT FEES FOR 1750 SOUTH HILL HAVEN WATER LLINE DESIGN WORK

Mayor Cronin asked Brett Jones to discuss Wendy Jensen's proposal for Taylor's Cove. Brett explained that Wendy Jensen is installing a 12" water line in the subdivision. He showed the Council where the 12" line was being installed (East to West on Hill Haven Drive) and where a potential water reservoir is planned. He said the Capital Facilities Plan includes an 8" water line connection at 1750 South looping back to the line at Hill Haven

Drive. He said that without this infrastructure, if there was a water line break on Highway 89 the homes in the area would be without water. He said that Wendy's subdivision will build a portion of the water line needed, but because we don't anticipate any development in the near future, Perry City would need to build the rest. He proposed that the Council approve moving forward and funding the project. Brett advised that this project is on Perry's Capital Facility Plan and the City could use impact fees to complete the connection. Council Member Christensen asked if there is an easement in the project area. Brett said that they are researching this and an easement may need to be purchased. Council Member Christensen asked for cost projections. Brett advised that this project would cost approximately \$60,000, but may cost more for easement purchase. Mayor Cronin proposed approving the completion of easement research and project design work. Shanna Johnson advised that there are impact fees available. Mayor Cronin suggested that if the council is in support of the project the motion could be made to allow the City to utilize impact fees up to \$60,000 for the design, review, and construction of the water line and increase the funding for any needed easements. Brett suggested increasing the amount to \$80,000 to allow for easement acquisition. Council Member Lewis inquired what project Perry would be putting this ahead of. Shanna replied that we would place it ahead of acquiring additional wells and updating the present wells. Shanna advised in our recent Capital Facilities and Impact Fee study it showed that Perry City had enough water, but was lacking in distribution so this change in projects would make a lot of sense.

MOTION: Council Member Christensen made a motion to approve the use of Culinary Water Impact Fees up to a maximum amount of \$80,000.00 for the 1750 South to Hill Haven Water Line to be used for design, construction work, and for possible easements. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Lewis, Yes
Motion Approved. 3 Yes, 0 No

*Council Member Gerlach stepped away from the meeting prior to the vote and returned shortly thereafter.

H. INTERLOCAL AGREEMENT FOR BRIGHAM CITY FIRE SERVICES

Mayor Cronin turned some time over to Malone to discuss the interlocal agreement with Brigham City for fire services. The Mayor explained that \$19,000.00 is basically a retainer fee for fire services and Brigham City will bill the first hour at approximately \$945.00. A caller would be billed for the second hour according to the equipment used. This retainer fee also allows Perry the ability to use the Fire Marshal and the ambulance, and binds this contract for 3 years. Council Member Lewis asked what changes are involved with this contract as compared to previous emergency services from Brigham. Mayor Cronin replied that Brigham City would bill for the fire truck and other vehicles called out if required for longer than the first 2 hours. Malone explained that terms and prices are a continuation of what Perry has now but that the ambulance service was not there before. There is also an

hourly rate for vehicles called to the emergency. He said that there would be a charge of \$200.00 for false alarm calls, except if it is for carbon monoxide. There will be no charge for carbon monoxide calls.

Mayor Cronin explained that these charges would be forwarded to the landowner who called for the fire department. Council Member Christensen asked if that language is written in our policies so that it could not be contested. Malone agreed that it is a policy. Council Member Montgomery suggested this information be placed in the newsletter. Council Member Christensen noted that the contract with Brigham City says that Perry City will pay the emergency fees. Mayor Cronin requested this item on the next agenda for review. Mayor Cronin asked the date when the new contract goes into effect. Malone explained that the contract period begins upon both city councils approving and signing the agreement. He said he could request Brigham City include the contract be valid from now to end of fiscal year 2018.

MOTION: Council Member Montgomery made a motion to approve the Interlocal Agreement for Brigham City Fire Services with the amendment to continue through the end of fiscal year 2018. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No

I. CDBG APPLICATION

Mayor Cronin explained that the CDBG grant application is back on the agenda because previously Perry City was able to use the study of the entire area and break projects into phases. The survey now must be completed on the area affected to meet the criteria for that phase. The new ruling is that if Perry is going to do a project in just one section of the City, then the survey must be for just that section. Shanna explained that there are 10 houses that require a resurvey to ensure that they meet 51 % meet the low to moderate income (LMI) criteria. Shanna said that we can amend our project if we desire, but will still need to complete another survey. There is a different person over the program from when we were funded before. The previous director allowed the entire corridor or section to be used. She reported that the survey must be completed by the end of March in order for us to qualify for funding. Shanna stated that there is no cost involved to do the survey, but will require time.

The Mayor asked which projects would fit the 51% LMI requirement for this grant. Shanna said that the far northern phase would most likely not meet the qualifications, and that Phase 2 would probably be the best choice. Mayor Cronin explained that the Council could approve the action to complete the study in just the 2700 South phase we originally applied for. Another option is to complete the study for both phases and then at the next meeting the Council could decide which phase to go forward with. Council Member Christensen asked for more details of the survey. Mayor Cronin explained that 3 questions are asked the participant encloses their responses inside a sealed envelope to be taken by the

interviewer. Shanna said that every home in the area surveyed must respond, but their response counts even if the homeowner does not answer the 3 questions before submitting the survey. The Mayor reported that the City had used an intern for the last survey and she asked for any volunteers to help with the survey.

MOTION: Council Member Montgomery made a motion to approve the survey for the 2700 South Phase and to continue on with Phase 2 if the 2700 South Phase does not meet the criteria. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No

ITEM 5: DISCUSSION ITEMS

A. STORM SYSTEM MAINTENANCE

Mayor Cronin turned some time over to Greg Hansen, Chairman of the Box Elder/Perry Flood Control Board. Greg summarized the Board's capacity and responsibility: the operation and maintenance of storm facilities located on the east bench and the west side of Perry. Everything located between these 2 points is the City's responsibility. The Flood Control Board, through infrastructure, must collect water, get it safely through town, and then decide how to handle it after it is moved to the west side of Perry. The Board focused on maintenance of the basins located on the east side and the piping channel on the Maddox land. In 2014, the Flood Control Board reviewed Perry City's overall system and found many issues. The critical issue was being able to move the water successfully through the City. After getting bids, the Board spent about \$170,000.00 cleaning out man holes, 6 basins on the east side, and piped the main channel that ties into Maddox Lane. He said that Perry would have a catastrophe if flood water were held back in debris basins and detention basins, but the City could not move the water through town.

The Flood board put out bids and hired a contractor to clean about 60 catch basins, man holes, inlet boxes, and outlet structures in satellite basins throughout Perry for \$71,000.00. The work completed the cleanup of 6 basins and cleaned a couple thousand feet of pipe. The Board also spent money to clean up the storm drain pipe that went along 900 West. Their future plan is to install a holding pond on Perry City property. The Board requested an operation maintenance schedule from Jones and Associates for regular upkeep on the Perry system. Some catch basins were neglected so long they were completely filled with wheat growing out of them. Some basins were so grown over that they were not even functioning. The Flood Board hopes the City will be encouraged to adopt a maintenance plan since everything is in working order at this time. He suggested City staff could be used to upkeep the system or hire out the maintenance.

Greg said that the Flood Board will continue to take care of the big basins on the east bench, but they are not large enough. He projected that increasing capacity may cost approximately \$1,000,000.00. Greg did not think the Flood Board will choose that option,

but some improvements are necessary to protect the property all the way through town. Greg reported that the Flood Board is not opposed to helping the City with any projects, but wants to concentrate on building basins on the east side and the west side. Greg reported that Box Elder County funds the Flood Board at approximately \$80,000.00 annually, and they have asked Jones and Associates to look for grants. He stated that it is vital for the Flood Control Board and Perry City to work together. The Flood Board is making great advances and needs the City's participation. Mayor applauded the accomplishments of the Flood Control Board.

Mayor Cronin turned some time over to Brett Jones of Jones and Associates. Brett said he has noticed that the play ground near the soccer park has not been flooding since the Flood Control Board completed their cleanup. Brett Jones met with Greg Hansen and Paul to discuss possible projects using Perry's manpower and funds. He said that he did not know of anything budgeted for maintenance except that Parks currently has staff booked to assist in these efforts. A schedule was prepared designating what clean-up and maintenance of the detention basins could be done in-house annually. He explained that some of the 23 detention ponds in Perry do not require an annual cleaning. The Flood Board decided that the Inspection of the basins and pipes to ensure proper functionality cannot be done in-house. The Flood Board found pipes broken in 5 areas and the pipes require a 5 year maintenance rotation, which could cost approximately \$20,000.00 annually.

Even when the City utilizes existing staff, some costs will be involved. They estimated approximately an additional \$20,000.00 would be required for in-house maintenance. There are some new storm water regulations to verify maintenance is being done and an official storm water inspector is required on construction projects within the City. An annual report is required for the State of Utah and eventually to the E.P.A. (Environmental Protection Agency) to show how much Perry is spending on this program and how many employees are involved. Brett wanted to make the City aware of upcoming additional storm drain costs. He suggested charging higher storm drain fees so that Perry takes advantage of the significant investment the Flood Control Board made to get the system operational. Mayor Cronin repeated that an additional \$20,000.00 - \$30,000.00 will need to be budgeted for maintenance.

B. FY2015 BUDGET UPDATE & FY2016 BUDGET TIMELINE

Mayor Cronin turned some time over to Shanna to discuss upcoming budget work session scheduled to take place prior to regularly Council meetings beginning in April.

Shanna reviewed the January Budget Update. She reported that 59% of the fiscal year has elapsed and General Fund expenditures are at 48%. She said According to this document, 63% of General Fund Revenues have been collected. Perry City has collected 45% of the utilities funds due and after the planned transfer from fund balance; it will show that the City is right on task. The Sewer revenue is 47% collected and once reimbursements are collected from a State grant and Willard City will also be on budget. Shanna advised there is also a transfer from General Fund Revenue coming from the Municipal Energy Tax, which is contributed to the Sewer Fund each year to help revenues meet the demands of

operations and the City's annual bond payments. Mayor Cronin noted that is where Perry's General fund is subsidizing the sewer fund.

Shanna reported that the utilities non-operations funds are reflective of impact and connection fees and we are currently showing 51% of planned revenues collected. This is a little low because construction is slower during the winter, but should balance or exceed by the end of the year. Shanna stated that the City has collected more revenue than anticipated and spent less money than anticipated. She said that the Utility fund spent 57% of its budget. The Sewer Fund has spent 38% this is very low, but will increase as our Waste Water Treatment Facility bond payment will come out in May. She said the Sales tax received for the month of February was 1.39% better than that collected in February 2014 and year to date sales tax revenues are 5.4% higher than last year.

Shanna said that she has reminded the department heads to prepare their budget proposals and advised them that the Council will review the proposals in work sessions starting in April. Per State law, Shanna advised that she has to present the tentative budget for Council review by the first meeting in May (May 7th). She said that this is true for the Perry Redevelopment Agency as well. The Council will be able to approve a tentative budget on May 21st, at which time this will be made available to public. Shanna said there will be a public hearing regarding the proposed budget on June 4th and the Council can vote to adopt the budget on June 18th or hold a special meeting to adopt the budget prior to the deadline of June 22, 2015. Shanna said she will provide the meeting schedule to the Council members. She noted that the Council has some items to consider after hearing the report from the Flood Control Board, including how the new maintenance schedule will be funded.

C. CODE ENFORCEMENT DRAFT ORDINANCE

Mayor Cronin asked Malone to present the online codes last week. Council Member Montgomery asked if the warning in the code was verbal or written and thought it should be specific. Malone said that this nonspecific language allows the City to give a verbal or written warning, but written warning must include a certified mail return receipt. The City also has the option to have a police officer hand it to them and he/she can testify that notice was received. Council Member Montgomery said that the City can then place a lien on the property. Mayor Cronin said that the ordinance states that the City may do this, but has flexibility in doing this. Mayor Cronin said that this flexibility lets the City resolve issues civilly or criminally. She liked the advantage of resolving issues when residents call in complaints to the office. The Mayor stated that if City staff sees something out of line with Perry's policies and ordinances, the City is capable of enforcement. Council Member Christensen asked what their role is as officials of the City. Mayor Cronin said that Council members can contact office staff when they see violations. Council Member Christensen said that he thinks most people finish their basement without obtaining a building permit. Shanna suggested that staff members be assigned to address code enforcement issues, stating that there is confusion regarding who is responsible for sending correspondence and following up. Mayor Cronin said that Council Members could forward calls to Susan Obray and Codey Illum, who deal with code enforcement. Malone said that he would appreciate suggestions and changes to the online codes be forwarded to him.

D. PARK RENTAL

Tabled until next meeting.

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

A. APPROVAL OF CONSENT ITEMS

- January 22, 2015 City Council Work Session Minutes
- February 19, 2015 City Council Meeting Minutes

Mayor Cronin noted corrections to page 9 of the City Council Meeting minutes. She also noted corrections on the same page on line 35, and lines 37 and 38. The Mayor noted corrections to page 10 line 17 and page 11 line 30.

MOTION: Council Member Montgomery moved to approve the minutes for the January 22, 2015 City Council Work Session and February 19, 2015 City Council Meeting with the noted corrections and all Council Members consented.

B. Todd Christensen: reported that he had another UTOPIA board meeting scheduled for next Monday, March 9th. He has noticed UTOPIA vehicles in the area. Todd said that UTOPIA has an agreement with U.D.O.T. on their major interstate to connect their road sensors, traffic cameras and overhead bill boards. That is a benefit to our area so that Perry will be able to tie in with fiber optics along the main corridor. Todd hopes to get time with the chairman of UTOPIA to settle issues and get information when Perry will obtain fiber optics in our area.

C. Peter Gerlach: noted that he didn't have anything to report.

D. Jana Nelson: was excused. Mayor Cronin said she was ill and she didn't have anything to report.

E. Esther Montgomery: said that the committee reviewing timekeeping is trying to align their schedules. They discussed having a work meeting with the Council after the committee finalizes recommendations. Mayor Cronin said that Shanna is setting up a meeting next Wednesday and is waiting for confirmation from some of the attendees.

F. Brady Lewis: reported that he has been working on a commitment from the creative director at a technology company in Ogden. He hopes that this contact will agree to donate his services as a designer in collaboration with Perry business owners to improve their signage. Brady has access to a machine that produces quality signs. He hoped to find donated materials and scouts to install the signs. Mayor Cronin asked if he desired wood donations for the signs. Brady clarified that the material used is like treks, a composite wood alternative. He said it is an excellent durable material with no upkeep. The Mayor asked him to get more information before posting his request for material donations on the City's Facebook page.

G. Mayor Cronin: said that C.E.R.T. training began yesterday and 18 residents are enrolled. She stated that planning for the 4th of July celebration starts next week. She said that Council Member Lewis will take care of badges for the Play Unplugged promotion Perry City is involved with. Mayor Cronin noted the Easter egg hunt was in the last newsletter and full details will be in the next newsletter.

H. ITEMS FOR NEXT CITY NEWSLETTER

Easter Egg Hunt will be April 5th.

ITEM 7: ITEMS FOR FUTURE MEETINGS

Discussed earlier

ITEM 8: EXECUTIVE SESSION

MOTION: Council Member Montgomery moved to close the public meeting and adjourn to an Executive Session to discuss possible litigation and character and fitness of an individual. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

The Regular meeting closed at approximately 9:32pm.

MOTION: Council Member Montgomery moved to close the Executive Session and return to the regular meeting. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

The Regular meeting reopened at approximately 9:58pm.

ITEM 9: Adjournment

MOTION: Council Member Christensen made a motion to adjourn the council meeting. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

The meeting adjourned at 9:58pm.

Susan O'Bray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder