PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
APRIL 28, 2011
OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting.
Tom Peterson, Karen Cronin, Boyd Malan, Marci Satterthwaite, Bill Walker
CITY STAFF PRESENT: Duncan Murray, City Administrator
Shanna Johnson, Chief Deputy Recorder
OTHERS PRESENT: Terry Haws, Randall Hunsaker, Michelle Smith, Sydney Smith, Andrew Niebersall, Kirk Niebersall, Nicole Haws, Lani Braithwaite, Melanie Decker, Jay Decker, Travis Coburn, David Daniels, Louise Daniels, Sara Daniels, Matthew Daniels, Greg Daniels, Katrina Argyle, Lorin Gardner (JUB Engineering), Terry Peterson, Ronda Parry, Roxann Christensen, Kaden Christensen, Gordon Raymond (Allied Waste), Ron Olberding (Allied Waste), Bentley Hansen, Brandon Hansen, Jennifer Hansen, Tyson Knudsen (Sunrise Engineering), Steve Pettingill, Bob Thurgood, Chris Stone, Dacia Stone

ITEM 1: CALL TO ORDER
Mayor Nelson called the meeting to order.

A. INVOCATION
Council Member Cronin offered the invocation.

B. PLEDGE OF ALLEGIANCE
Council Member Walker led the audience in the Pledge of Allegiance.

ITEM 2: NEW BUSINESS LICENSES, PROCEDURAL ISSUES, AND APPOINTMENTS
A. CONFLICT OF INTEREST DECLARATION
No conflicts of interest.

B. NEW BUSINESS LICENSE(S)
Mayor Nelson said there is one business license application for Creative Curb L.L.C. He said this is a landscape curbing company. Council Member Cronin asked if there would be any loud equipment. The owner, Chris Stone said no. Council Member Peterson asked where his equipment would be stored. Mr. Stone said in a storage bay in Brigham City.

MOTION: Council Member Cronin made a motion to approve the business license for Creative Curb L.L.C. Council Member Peterson seconded the motion.
ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
Council Member Cronin, Yes Council Member Satterthwaite, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

C. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)
Shanna Johnson passed out the warrants.
D. PRESENTATION OF AWARDS TO CENENNIAL PHOTO CONTEST WINNERS
Mayor Nelson presented awards to the photo contest winners (see attached). All winners received a Perry City cookbook. First place winners also received a $10 Walker Cinemas gift card. Mayor Nelson thanked Steve Pettingill for heading up the event.

E. RESOLUTION 11-7 APPROVING PROCLOMATION FOR MUNICIPAL CLERKS WEEK (MAY 1-7), PUBLIC WORKS WEEK (MAY 8-14), POLICE WEEK (MAY 15-21), AND PUBLIC SAFETY “NATIONAL NIGHT OUT” (AUGUST 2)
Duncan Murray advised this Resolution is similar to what was approved last year. He said there will be an open house for the clerks and public works, there will be a National Night Out Against Crime for police to be held in August. He stated all departments will also receive recognition on one day of each of the weeks.

MOTION: Council Member Cronin made a motion to approve Resolution 11-7 approving the proclamation for Municipal Clerks Week, Public Works Week, and Police Week. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes
Council Member Cronin, Yes  Council Member Satterthwaite, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 3: PUBLIC COMMENTS AND PUBLIC HEARINGS
A. PUBLIC HEARING (LIBRARY SERVICES) – CONSIDERING PHASING OUT PERRY CITY’S PARTICIPATION IN THE BOOKMOBILE PROGRAM, AND CONSIDERING PERRY CITY’S PARTICIPATION IN THE BRIGHAM CITY LIBRARY
Mayor Nelson said at first they thought that this would be a great idea and would save people money, but it did not turn out that way. Duncan Murray said they decided to research this because many residents have expressed interest in participating in the Brigham City Library. He said currently it costs $60 to join the Brigham City Library, and residents pay property tax to participate in the Bookmobile program. The thought was to shift the current property tax from the County Bookmobile and pay slightly more ($10-20) to participate in the Brigham City Library. He said tax rate information from the assessor’s office was recently received; it shows for a $200,000 home, $30 is paid to participate in the County Bookmobile, and $120 is what Brigham City residents pay for their library. Duncan stated the increase is much higher than originally anticipated. Council Member Cronin said Susan Hill of the Box Elder County School Board attended a School Board meeting last night and said that the Brigham City Library will be opening up use to the library for any students that attend a Brigham City school free of charge.

MOTION: Council Member Malan made a motion to open the public hearing. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes
Council Member Cronin, Yes  Council Member Satterthwaite, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

Lani Braithwaite said she prefers the Bookmobile because it comes directly to the neighborhoods and kids can access this easier than the library.
Shanna Johnson said because of the cost she prefers to keep the Bookmobile service, and join the Brigham City Library at the current rate of $60. She said this gives the residents two options and is cheaper than moving strictly to the Brigham City Library.

Council Member Satterthwaite questioned if there is really a need for this, now that they have Kindles, E-books, etc. She said she feels this service was more essential when she was young, but now she never uses the library.

Council Member Peterson said he is opposed to this, because it is a forced taxation on every taxpayer and only a certain percentage will use the library.

MOTION: Council Member Cronin made a motion close the public hearing. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
Council Member Cronin, Yes Council Member Satterthwaite, Yes
Council Member Walker, Yes
Motion Approved. 5 Yes, 0 No.

B. PUBLIC COMMENTS
Mayor Nelson opened the meeting for public comments. No comments were made.

ITEM 4: PRESENTATION BY ALLIED WASTE (PERRY CITY’S SOLID WASTE PROVIDER) REGARDING RECYCLING OPTIONS
Gordon Raymond of Allied Waste presented recycling options for the City (see attached). Mayor Nelson thought that recycling in the area would be a good idea depending on price and number of residents who want to participate. He recommended putting a survey on the City website for residents to complete, and advertise the survey in the city newsletter. Council Member Walker asked if one container would be provided or if three would be. Gordon Raymond said one container would be provided. Council member Walker asked what percentage would be needed. Mr. Raymond said 20%, he said if you go with the opt out program you will most likely see 50% participation. Council Member Peterson asked why we can’t place bins out and let people participate if they want. Duncan Murray said we had a card board/paper bin but it was pulled because of low participation. Council Member Walker said it comes down to convenience and if the bins are at your home people will participate. Council Member Satterthwaite and the Mayor agreed. Council Member Cronin asked if they are actually going to recycle the material. Ron Olberding of Allied Waste said it is actually recycled; it goes to the Weber County Recycling facility and is processed from there. Mr. Raymond said there is a contamination factor and if the product is contaminated (i.e. with grass clippings) the load must be taken to the landfill instead of recycled. He said about 7-10% of recycled material is contaminated. Mayor Nelson asked that Gordon Raymond send pricing information for the opt in and opt out options.

ITEM 5: LAND USE ISSUES
A. DISCUSSION REGARDING APRIL 7, 2011 PLANNING COMMISSION MEETING
Council Member Satterthwaite asked if only 3 commissioners attended the meeting. Tom Peterson said yes, but this is not the usual participation. Duncan Murray said there were a couple of people who were sick and one was absent due to a death in their family.

B. FINAL DESIGN REVIEW (SITE PLAN) FOR DAIRY QUEEN, LOCATED ON AMENDED LOT 1 OF POINTE PERRY SUBDIVISION (1074 SOUTH 1600 WEST STREET)
Council Member Peterson said the only concern with the plan was how tight the turn was into the drive thru. He said that the Dairy Queen Representative assured that this design would work. Lorin Gardner of
JUB Engineering said they have eliminated the access (door) from the building out to the drive thru. Mayor Nelson agreed that this is a safety concern, and was glad the door was removed.

**MOTION:** Council Member Malan made a motion to approve the final design review (site plan) for Dairy Queen. Council Member Walker seconded the motion.

**ROLL CALL:**
- Council Member Peterson, Yes
- Council Member Cronin, Yes
- Council Member Walker, Yes
- Council Member Malan, Yes
- Council Member Satterthwaite, Yes

*Motion Approved.* 5 Yes, 0 No.

**C. FINAL DESIGN REVIEW (SITE PLAN) FOR A PROPOSED ASSISTED LIVING FACILITY ON THE NORTHEAST CORNER OF HIGHWAY 89 AND 1550 SOUTH STREET (APPLICANT BOB THURGOOD FOR BEEHIVE HOMES OF PERRY L.L.C.)**

Council Member Peterson said the only question about this was whether or not a dumpster would be required. Duncan Murray said that Codey Illum (Building Inspector) has reviewed this and thinks that we can allow the use of 3-4 residential cans and evaluate this for the first few months to see if the cans provide enough garbage capacity. Bob Thurgood said they would prefer to not have a dumpster because they want a residential feel and believe that a dumpster will take away from this. Council Member Malan asked how many employees would be working at the facility. Bob Thurgood estimated 3-4 employees.

**MOTION:** Council Member Peterson made a motion to approve the final design review (site plan) for Beehive Homes of Perry L.L.C. Council Member Malan seconded the motion.

**ROLL CALL:**
- Council Member Peterson, Yes
- Council Member Cronin, Yes
- Council Member Walker, Yes
- Council Member Malan, Yes
- Council Member Satterthwaite, Yes

*Motion Approved.* 5 Yes, 0 No.

**D. ORDINANCE 11-J, UPDATING THE “MODERATE INCOME HOUSING’ ELEMENT OF GENERAL PLAN (PMC TITLE 31)**

Duncan Murray advised according to this plan, Perry City is in compliance with the regulations. Council Member Malan questioned if they Median Income figures are accurate. Mayor Nelson said the document states this is based off of the Brigham City, Utah, Micropolitan Statistical Area (MSA) as defined by the U.S. Department of Housing and Urban Development. Duncan said that this plan only identifies the legal requirement, but does not mean that the City cannot approve additional affordable housing in the area.

**MOTION:** Council Member Cronin made a motion to approve Ordinance 11-J, updating the “Moderate Income Housing” element of the General Plan. Council Member Walker seconded the motion.

**ROLL CALL:**
- Council Member Peterson, Yes
- Council Member Cronin, Yes
- Council Member Walker, Yes
- Council Member Malan, Yes
- Council Member Satterthwaite, Yes

*Motion Approved.* 5 Yes, 0 No.

**E. ESTABLISH AND APPOINT 5-MEMBER ROADS AND TRANSPORTATION COMMITTEE (CONSISTING OF 1 COUNCIL MEMBER, 1 PLANNING COMMISSION MEMBER, 1 CITY STAFF MEMBER, 1 EXPERT, AND 1 OTHER RESIDENT OF THE CITY)**

Council Member Walker said this group will prevent developments from causing dead end roads and extended cul-de-sacs. Duncan Murray said this will also update the circulation plan for roads lining up to the highway, and ensuring the commercial streets will line up correctly. Mayor Nelson asked what the Council thought of the suggested member set up. Council Member Malan asked if the expert would be a resident. Mayor Nelson said they could be, but does not necessarily need to be.
MOTION: Council Member Peterson made a motion to establish a 5-member Roads and Transportation committee consisting of 1 council member, 1 planning commission member, 1 city staff member, 1 expert, and 1 other resident of the city. Appointments will be at subsequent meeting. Council Member Walker seconded the motion.

ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes
             Council Member Cronin, Yes  Council Member Satterthwaite, Yes
             Council Member Walker, Yes
             Motion Approved. 5 Yes, 0 No.

ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. FINANCIAL APPEAL BY SHIRLENE PECK TO WAIVE PARKS AND OPEN SPACE PURCHASE FEES FOR CANYON GATE 5 SUBDIVISION

Council Member Cronin said she spoke to the Economic Development committee and they felt that this fee ensures that our community keeps an open and rural feel and they were in support of the parks and open space fee.

MOTION: Council Member Walker made a motion to deny the financial appeal to waive the parks and open space purchase fee for Canyon Gate 5 subdivision. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, No  Council Member Malan, Yes
             Council Member Cronin, Yes  Council Member Satterthwaite, Yes
             Council Member Walker, Yes
             Motion Approved. 4 Yes, 1 No.

Mayor Nelson said he feels that this fee should be reviewed and possibly removed in the future. Council Member Peterson agreed and said Duncan said it may not be legally defensible in the future. Duncan Murray said that the law may be changing removing the ability to assess this fee on commercial property in the future.

B. FINANCIAL APPEAL BY TRAVIS AND AMIE COBURN REGARDING CULINARY WATER OVERAGE CHARGE

Council Member Walker said this water overage charge is from a leak on Travis Coburn’s property on his side of the water meter. Duncan Murray said the city usually credits 2/3 of water overage charges because the water meters are only read every 3 months. Mayor Nelson asked how much the overage was. Travis Coburn said the overage was $275.00.

MOTION: Council Member Walker made a motion to credit 2/3 of the water overage charge. Council Member Satterthwaite seconded the motion.

ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes
             Council Member Cronin, Yes  Council Member Satterthwaite, Yes
             Council Member Walker, Yes
             Motion Approved. 5 Yes, 0 No.

C. APPROVAL OF WARRANTS

Shanna Johnson addressed questions the Council had in reference to a warrant to Sunrise Engineering in the amount of $8,700.16 that was placed on hold. She said that when the council first reviewed this warrant it appeared that a portion of the warrant (invoice # 0059608 for $4,695.50) was duplicated. She explained invoice #0059608 was presented in January for payment and then again in March. She said in January the council approved payment of $3,971.24, which is the total of invoice #0058162, but was provided the detail for invoice #0059608 in error. Sunrise Engineering presented this invoice (0059608) again in March, as part of the $8,700.16 warrant. She presented the billing back up for invoice #0058162.
stating this invoice was paid, but the city still owes $4,695.50 for invoice #0059608 and $4,004.66 for invoice #0060133, which totals the warrant in the amount of $8,700.16. She advised the warrant in the amount of $3,430.00 from last meeting is also still due. Shanna stated there was not any bills duplicated and if the Council is okay with the work that was completed; they should approve the warrants presented. Mayor Nelson asked Tyson Knudsen why Sunrise Engineering presented invoice with hand written notes, instead of typed. Tyson Knudsen of Sunrise Engineering stated the council asked for additional detail for the invoice that had not been entered into the system. He wrote the notes to provide the council with the detail. He said the notes are now being entered into the system, and will be typed on the billing in the future. The Council Members questioned the billing for City Council Meetings. Tyson explained this is for meeting preparation and attendance. Mayor Nelson stated the amounts billed are within the engineering contract and if there were no further questions, he would recommend action be taken on the warrants. Mayor Nelson asked if the detail of each power bill must be presented on the warrants. Shanna said the payment approval report is system generated and will pull the bill and detail for anything over $2,000. She said she could manipulate the report to remove this, but this would take extra time and could result in errors.

MOTION: Council Member Peterson made a motion to approve the warrants (including warrants for Sunrise Engineering). Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes 
Council Member Cronin, Yes  Council Member Satterthwaite, Yes 
Council Member Walker, No 
Motion Approved. 4 Yes, 1 No.

D. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY
Steve Pettingill stated he attended a meeting with State representatives and reviewed the operation of the plant and how it affected the land surrounding. He said they toured the facility; they reviewed the cost of operations and the fact that this will be billed by flow. Steve advised this may affect the budget in the future. Steve asked if there were any questions on the wastewater treatment plant budget. Shanna Johnson advised they have not yet reviewed this in a budget work session, but will hopefully review this in the next meeting.
Steve said they are still struggling with computer system issues at the plant. He said there was a power bump earlier this week and it did not trigger a call to Jeff Hollingsworth (Plant Operator). Steve said Jeff happened to be watching the systems on his computer at home and noticed that the readings were not following trend, so he went to the plant and was able to get the systems back up and running. Steve said they are working to get the system issues resolved.

Tyson Knudsen presented the attached progress report.

Tyson advised a bid has been received for the installation of power at the Vactor Truck building. He said this is attached and asked if the Mayor and Council would like him to get additional bids. Mayor Nelson stated due to the amount two additional bids would be needed. Tyson said he would instruct Spindler Construction to get two additional bids.

Tyson said he met with the Bureau of Land Management on the rehabilitation of the land located at the South ditch. He said their biggest concern is that they follow all of the regulations set forth by the Army Corps of Engineers. He said they are currently doing wetland delineation, cultural research investigations, and getting permitting with the Division of Water Quality.

Tyson said the cities are going to have to negotiate with two private landowners for an alternate wastewater discharge route, the easements have already been prepared with legal descriptions, and the
city will need to sub-consult with Bio-West for wetland determinations. Mayor Nelson said he will meet with the Willard City Mayor Braegger on this and ensure that we will not be exceeding budget.

Tyson said the land surrounding the plant will also need rehabilitation and asked how the City would like to go about completing this. Mayor Nelson requested Duncan Murray to add this as an agenda item on the next meeting. Tyson requested a representative from Perry City to witness the rehabilitation of the land surrounding the plant and the South ditch. Mayor Nelson recommended Bruce Howard from the Sewer Board. The council agreed with his recommendation.

E. MONTHLY FINANCIAL REPORT
Shanna Johnson presented a budget update for March 2011. She said that 75% of the year had elapsed, 67% of General Fund revenues had been collected, 73% of Utility Fund Revenues was collected, and 61% of Sewer Fund revenues were collected. She reported that only 39.12% of non-operating revenues have been collected due to the economy and the slow in development. Shanna reviewed expenses stating 64.6% of the General Fund has been spent, 60.2% of the Utility Fund has been expended, and 38.1% of the Sewer Fund budget has been spent. She said the State will be reimbursing Wastewater Treatment Plant operation expenses (approx. $143,000), through February, due to the delay of the discharge permit. Shanna advised the expenditures within each of the funds meet the revenues for this year. She advised that next year Sewer expenditures will exceed revenues, but will be covered by savings. She said this will need to be watched closely through the next few years. She said the interest and principal payment for the wastewater treatment plant was just approved by the council tonight and the interest was reduced as part of a hardship grant awarded by the State. Shanna reported sales tax numbers are up and came in a little over 6% better than the previous year for the month of April. She reviewed the budget preparation timeline stating that the next work session will take place on May 12th, and the tentative budget will be reviewed for approval on May 12th. She said an addition work session may need to be scheduled to review the entire budget. She said the budget will be available to the public by May 31st and the final budget will be reviewed for approval on June 9th.

ITEM 7: PERSONNEL ISSUE
A. NONE.

ITEM 8: PUBLIC SAFETY ISSUES
A. NONE.

ITEM 9: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS
A. APPROVAL OF MINUTES FOR:
1. APRIL 14, 2011 WORK SESSION MINUTES
2. APRIL 14, 2011 REGULAR MEETING MINUTES
Council Member Cronin requested page 8, line 10 be amended to refer to the Police Department’s Safety Pup program. Council Member Malan recommended the minutes reflect that Fairon Burton, Norman Nelson and Camille Hurst were present to receive the Community Covenant supporting military personnel and their families. He recommended page 7, line 41 be amended to state that Willard City offered the use of their sandbag filling machine. He requested page 8, line 2 be edited to read “he is keeping his eye on the telephone poles in Willard, to be used at the Centennial Soccer Park for parking.”

MOTION: Council Member Cronin made a motion to approve the minutes for the April 14, 2011 Work Session and Regular City Council Meeting as amended. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
Council Member Cronin, Yes Council Member Satterthwaite, Yes
Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.
B. BOYD MALAN: Council Member Malan reported he is keeping a close watch on the water coming off the mountain. He said he has been over to the Perry Canyon spillway and it is currently down, but this can change with upcoming storms. He said he would like to get the future Flood Control Board members together to tour the spillway and flood control areas. He said he is working to gain access to the gate at the entrance to Mathias Canyon. Duncan Murray said on Friday they will be having an Arbor Day celebration at the new Trailhead Park, they will be planting trees; this will start at 10:00am. Council Member Malan said the rock for the Centennial Park monument dropped in price, down to $2,000. He talked with Bott’s engraving today and they recommended he check on prices with a guy out of Park Valley, they said he has some nice rocks that are a little harder than the current rock they are looking at. He said he would look into this and report back to the Council. He requested a timeline be put together for the engraving. Mayor Nelson said he has the timeline that Lois Nelson put together and said he would work on putting something together. Council Member Cronin asked if the sidewalks and asphalt will still be placed at the soccer park. Mayor Nelson said yes, this has been delayed due to weather, but the contractor and WW Clyde are still planning to complete this.

C. MARCI SATTERTHWAITE: Mayor Nelson commended Marci on the Easter Egg Hunt. He said it had a great turn out. Council Member Satterthwaite said she posted Fourth of July information in the newsletter.

D. KAREN CRONIN: Council Member Cronin reported the Perry City Youth Council partnered with the Brigham City Youth Council to host the Senior Ball at the Brigham City Senior Center. She said there was not the attendance they anticipated with only about 60 senior and 60 youths, but the music was great and everyone had a good time. She said the Senior Center would like to make this an annual event. She said the Economic Development Committee would like the Council to look into making the commercial area surrounding Wal-Mart only for retail shops, so the businesses generate sales tax revenue. Council Member Cronin reported the Brigham City Fire fee has been increased to $19,000 for Fiscal Year 2012. She also requested Codey Illum review the foundation in Walker Springs and identify this as an attractive nuisance. She requested that a timeline be placed on this requiring either it be fenced off with a 6-foot fence or be filled in.

E. BILL WALKER: Council Member Walker said the Police department received a $10,000 grant from the NRA for the gun range.

F. TOM PETERSON: Council Member Peterson said the Centennial Committee is very pleased with the photo contest. It was one of their better events. He said the Arbor Day Celebration will take place tomorrow. He reported 20 people so far have signed up for the Perry Garage Sale and they typically get 60-65 people sign up. He announced that the Centennial Committee has the fireworks set for the Fourth of July/Centennial Celebration; the event will take place at Perry Park. Council Member Peterson said all the LDS wards will be helping to clean up areas during the community clean up day taking place on May 21st.

G. MAYOR NELSON: Mayor Nelson said the best pictures he has received while collecting old pictures of the city have been with no trees. He said the trees obstruct buildings and businesses. He said he will be spending a few hundred dollars this year and next to restore and preserve historic pictures.

H. ITEMS FOR NEXT CITY NEWSLETTER:
   • None.

I. DISCUSSION REGARDING “ANNUAL AWARDS”
   Mayor Nelson requested nominations for annual awards and said these are needed by the end of May.

ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON May 12, 2011)
A. MOTION TO ADJOURN
MOTION: Council Member Peterson made a motion to adjourn. Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes
Council Member Cronin, Yes  Council Member Satterthwaite, Yes
Council Member Walker, Yes

Motion Approved. 5 Yes, 0 No.

The meeting adjourned at 10:00 PM.

__________________________________________  _______________________________________
Susan Obray, City Recorder  Jerry Nelson, Mayor

__________________________________________
Shanna Johnson, Chief Deputy Recorder