

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
FEBRUARY 10, 2011

7:00 PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting.  
Tom Peterson, Karen Cronin, Boyd Malan, Bill Walker, Marci Sattethwaite

OFFICIALS EXCUSED:

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Susan Obray, City Recorder  
Paul Nelson, Public Works Director

OTHERS PRESENT: Lani Braithwaite, Dean Bunderson, Chris Berg, Quentin Alldredge, William Moyle, Dylan Julander, Gaige Barker, Carlos Beagear, Todd Christensen, Kaden Christensen, Jeremy Nelson, Dianne Curtis

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Mayor Nelson offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Susan Obray led 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)**

1. Cindy Crapse – Beads & Things (Jewelry Sales)
2. Cassi Bateman - Teeter Toddler Academy LLC. (Pre-School)

Mayor Nelson explained Cindy Crapse' Jewelry Sales is a home business and the Teeter Toddler Academy will be located in the bottom of the Perry Dental Building. Council Member Malan asked if you need to be State Licensed to have a pre-school. Cassi Bateman said there is not for pre-schools; there are guidelines that State has you follow, but no licensing. Council Member Cronin asked if there were any health requirements that needed to be met. Ms. Bateman said there were not because they will not be serving meals; only snack items purchased from stores such as crackers and juice boxes. Council Member Cronin asked how many children would be attending. Ms. Bateman said they were approved for up to 42 at a time, but they will only be having 30. She explained for 2-3 year olds you must have a minimum of 1 helper to 8 children, for 4-5 year olds you must have a minimum of 1 helper to 12 children.

**MOTION:** Council Member Cronin made a motion to grant a business license to Teeter Toddler Academy and Beads & Things. Council Member Malan seconded the motion.

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

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

Susan Obray passed out the warrants.

**D. APPOINT PLANNING COMMISION AND/OR OTHER BOARD/COMMITTEE MEMBERS**

None.

**E. MAYOR AND COUNCIL RECOGNITION OF TODD CHRISTENSEN FOR THE PERRY CITY WEBSITE**

Mayor Nelson presented a Mayor's Award to Todd Christensen for his efforts with the improvement of the Perry City Website. Mayor Nelson explained an organization called Transparency Utah rated websites throughout the State; the State received a C-, Perry City received a B-, Mayor Nelson said he wished we received an A, but no other City in Box Elder County got higher than a D. Mayor Nelson said the City is proud of how far the website has come and appreciates Todd's efforts.

**ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS**

**A. PUBLIC COMMENTS**

Mayor Nelson opened the meeting for public comments.

**Todd Christensen:** Mr. Christensen said he would like to get with the Mayor on Eagle projects. He said he heard a rumor that the Wastewater Treatment plant would be opening up and wanted to applaud everybody and their hard work.

**ITEM 4: MAYOR JERRY NELSON'S STATE OF THE CITY ADDRESS**

Mayor Nelson presented the State of The City Address. He said Perry City is going through its Centennial Year. He showed some pictures from the past and talked about where the City is and where it came from. He said the mission of Perry City is as to build upon rich heritage of Perry City as a great place to live, provide services, business opportunities, and technology that improves the lives of our citizens. Mayor Nelson reviewed the City demographics, stating the population is approximately 4500, there are 1480 homes, 9 square miles of land mass, Perry's Elementary School, Three Mile Creek has 650 students, There are 5 developed parks (Perry Park, Dale Young Nature Park, Anderson Park, Mt. View Park, Centennial Park). He explained the economy has caused the population to go down slightly. Mayor Nelson reviewed the budget stating it has went from 3 million, down and is slowly creeping back up due to services such as sewer, water, garbage and public safety. He explained the General Fund budget is going down due to reduced revenues. Mayor Nelson said this budget is what is spent on parks and roads. He said the Council and City staff has done a very good job of trimming the budget and keeping things going in the City.

Mayor Nelson reviewed the major accomplishments of 2010:

- Ordinances codified
- Website – best in the County
- Wastewater Treatment Plant – complete and ready to receive

- Land Donation from Rocky Mountain Power – Old power substation at top of 3000 South
- Centennial Soccer Park – construction in progress
- Approaching goal of 100% radio read water meters

Mayor Nelson reviewed the Perry City website and the information that can be found. He said it has information about City services, City Council and planning agendas, Impact Fee surveys, Fee schedules. He stated there is a City Calendar detailing all City events and contact information for all City officials. Mayor Nelson reviewed the website Transparency Report completed by the Sutherland Institute, explaining that the report showed that the City can improve the website by correcting its link to the Records Request Form, which has been completed, and posting information about City Contracts. He said the City is working to update the website to include these items, which will take it's grade up to an A.

Mayor Nelson reviewed the major goals for 2010-2011:

- Economic Development
- Centennial Celebration
- Perry City Soccer Park dedication
- Encouraging Volunteerism and open government
- Apply for Federal and other community grants
- 2010 National Census Review and Analysis

Mayor Nelson stated that we cannot force businesses to come in to the City, but as we grow and those businesses are ready to come in, we need to make sure that the City provides possibilities and solutions and not roadblocks. We need to cut down the red tape that keeps businesses from coming. He reviewed some businesses in the area:

- Perry Professional Center
- Holten Square
- Maverik
- Canyon View
- Valcarce Fruit
- Alpine Gardens

Mayor Nelson reviewed the recent Centennial Events and advised the Sweethearts Ball will be held in February. He said the Centennial Celebration Events would be finished with the Fourth of July parade and celebration.

Mayor Nelson said in his service with the City there are three things that he tries to keep in mind. He said he has to learn form the past, live for and in the present, and prepare for the future. He said those that do not learn from the past are doomed to repeat it, He said you have to live in the present because you have enjoy where you are at and the things that you do, and don't forget that you have a future and you need to prepare for that.

## **ITEM 5: LAND USE ISSUES**

### **A. DISCUSSION REGARDING THE FEBRUARY 3, 2011 PLANNING COMMISSION MEETING**

Council Member Peterson said there was good discussion in the last meeting. He said they reviewed the road project on 1500 South. He this will go into the property that has been purchased by the LDS church for a Deseret Industries center, he said this property will also be accessed from 1200 South, because they wanted two entrances. He said the street from 1200 South to the Deseret Industries serves as a driveway to that business only, the Planning Commission was concerned that the City allowed a road to be dedicated that goes no where and thought this should have been tied in to the traffic plan. Council Member Peterson found it interesting that the plans for this project have been available to the Commission in the past and there has not been any comment until now. He said what will need to be

considered is as future development occurs South of this, will a road be created to tie into the street and go up to Highway 89. He said the end result of the discussion was as road are developed in the future the City needs to consider the future use of the road and how it affects the traffic flow and the master plan for the roads.

**ITEM 6: FINANCIAL, PUBLIC UTILITIES AND TECHNOLOGY ISSUES**

**A. ROAD REPAIR PRIORITY LIST**

Paul Nelson reviewed the Road Repair Priority List.

1. Chip and seal 2000 S. - \$8,500.00 (hopefully out of FY2010-2011 budget)
2. 2450 S. To 2370 S. on 900 W. – Pulverize, relay, and fix intersection at 1200 W. and 2450 S.
3. Repair road from 2520 S. to 2450 S. on 1200 W.
4. Curb, gutter, sidewalk, and overlay on Maddox Lane from Hwy. 89 to existing gravel road.
5. Several streets could be chipped and sealed at a cost of around \$2.00 a square yard.

He said Lorin Gardner is currently looking at what the costs would be to complete the work on Maddox Lane. He said the City has approximately \$130,000 in B&C Road funds to spend on the road projects. He said there are other places in the City that could also use some work. He said the information that Lorin Gardner provides would help with estimating costs on the other road projects. Council Member Cronin questioned the condition of Commerce Way. Paul said the current roadwork taking place in this area will widen the road and the City has agreed to participate in the widening of that area. Paul stated some patchwork might need to take place until this project is complete. Duncan Murray advise the Property Ombudsman is still reviewing if the cost of the widening will be an expense to the City or if this will be paid by the developer.

**B. APPROVAL OF WARRANTS**

Council Member Malan questioned the warrant for JUB Engineering, stating it references for meetings attended. He questioned if Lorin Gardner is attending more meetings than needed. Duncan Murray said the contract is set so that we pay per meeting and Lorin only attends meetings requiring his attendance. Mayor Nelson questioned if developers will cover some of the charges. Duncan said yes. Council Member Walker questioned the Sunrise Engineering warrants up for approval. Mayor Nelson advised we are approaching some deadlines and there are some items that are yet complete at the plant. The Sewer Board and Willard City has asked that we keep as much money as possible to ensure that the items are fixed. Mayor Nelson suggested the warrants not be released until all concerns are addressed.

**MOTION:** Council Member Peterson made a motion to approve all warrants except the warrants for Sunrise Engineering. Council Member Walker seconded the motion.

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

**C. REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY**

Mayor Nelson advised the discharge permit is up for public comment. It is anticipated by 17<sup>th</sup> comment period will be closed and the City should have a signed discharge permit by the first of March.

**D. ORDINANCE 11-B TO ADOPT POLICIES REGARDING THE DISPOSAL OF CITY PROPERTY**

Duncan Murray reviewed the Ordinance stating it consolidates many of the City’s current ordinances and fills in any gaps. He explained many of the policies listed in the document have already been followed by

tradition, but have not been listed in an ordinance. He said the ordinance covers more than disposal of property, but overall financial and property administration. Duncan said the Council would need to decide what a significant parcel of real property is. He said normally what is excluded is a road, a street, a right of way, or utility easement, but there are times when there is a small sliver of property deeded to the City. He said the question is does the city want to have a public hearing and 14-day notice period on a sliver of land. He recommended adding to the ordinance that a parcel be at least ½ acre in size, but advised the Council could determine any minimum size. Mayor Nelson recommended it also cover whether or not the sliver of land changes an area, stating in the past small areas of land have been sold that were parts of roads. He stated areas that provide protection to an area should not be exempt from a public hearing. Council Member Walker recommended having any disposal of land go through Planning Commission and Council first. Duncan asked if what Council Member Walker is suggesting is that large parcels would still require public hearing, but slivers of land would not require this step, only Planning Commission and Council approval. Council Member Walker disagreed stating he would like a public hearing on any City property that would be sold, regardless of size, but would also like this to be reviewed by Planning Commission and City Council for approval. Council Member Cronin identified some typos. Duncan reviewed the reasonable notice for public hearings in the ordinance, advising it is listed at 14 days. He reviewed the bid process advising it follows the requirements in the State Code. He reviewed page 8 of the document dealing with Grants. He said if the grant requires a match the ordinance states it will require Council approval. Duncan advised page 9 was changed to list financial duties are listed under the Deputy Recorder instead of the City Recorder. Duncan advised he would complete the amendments to the ordinance as identified by the Council.

**MOTION:** Council Member Walker made a motion to table Ordinance 11-B until it can be amended. Council Member Cronin seconded the meeting.

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

**ITEM 7: PERSONNEL ISSUE**

**A. SET PAY RATE FOR A POLICE DETECTIVE**

Mayor Nelson explained Jamison Zito has been moved to a Detective Position. He said the proposed pay increase would go from \$16.14 to \$16.64 per hour. Duncan Murray advised this is for additional duties that will be assigned with the Detective Position. Mayor Nelson said if the Detective duties were removed in the future, the pay increase would be removed as well. Council Member Peterson suggested a current list of officers be presented to the Council with a list of their current roles and responsibilities. He stated there have been many changes in the department. Duncan Murray advised there are currently 4 full-time officers. Sergeant Dale Weese, Detective Mike Colvin, Detective Jamison Zito, Officer Scott Hancey. He said there are few part-time officers including Rusty Bingham.

**MOTION:** Council Member Peterson made a motion to approve the pay increase from \$16.14 to \$16.64 for the promotion of Officer Jamison Zito to Detective. Council Member Malan seconded the motion

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

**Motion Approved.** 5 Yes, 0 No.

**ITEM 8: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS**

**A. APPROVAL OF MINUTES FOR:**

1. JANUARY 27, 2011 REGULAR MEETING MINUTES
2. JANUARY 15, 2011 BUDGET RETREAT (WORK SESSION) MINUTES

Council Member Cronin said a correction is needed on page 3, line 1 of the January 27<sup>th</sup> minutes, it currently reads ‘they found they found’, she stated they found should only be listed once.

Council Member Cronin made a clarification on the Work Session minutes. She said the second line on page 4 refers to the County Economic Alliance group as the BEAR Program. She advised it is not called the Bear Program, and said it should read “They have created the County Economic Alliance, with meetings taking place twice a month, their focus is implementing within the County a BEAR Program, which stands for Business Expansion and Retention.”

**MOTION:** Council Member Cronin made a motion to approve the meeting minutes for January 27, 2011 and January 15, 2011 as amended. Council Member Peterson seconded the motion

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

**Motion Approved.** 4 Yes, 1 No.

**B. BOYD MALAN:** Council Member Malan advised that he and Duncan met Monday with newly elected County Commissioner Tingey on flood control. He said they filled him in on the what the City has been working on regarding flood control. He said Commissioner Tingey had some good ideas in reference to the flood control budget. Duncan Murray said the City is on the County Agenda next week to request approval for City staff to clean up the retention basin in Cherry Ridge subdivision. He explained the staff would complete the work and the County would pay for their time and materials. Duncan said the other item that will be discussed in the meeting will be a Resolution of Intent to begin the process of moving management of the Flood Control District back to Perry City. Council Member Malan said they also discussed the large pond at the bottom of Perry Canyon. He said there are some large trees in there; Paul Nelson said the City staff could clean this. He said this was proposed to County Commissioner Tingey and he thought that was a good idea. Council Member Malan said the Soccer Park Committee met this week and he also got an email stating that all paperwork from Clyde Company was received. He said this allows us to have the State come up and inspect the work that is completed so far and pay out a portion of the grant funds. He said the Committee also reviewed what items still need to be completed at the Soccer Park and decided that the City will need to hold off on letting Soccer Groups use the park until work is done. Council Member Satterthwaite if they would allow practice to take place on the field this spring. Council Member Malan said no, he advised the big concern is parking and keeping people off of the top field. Mayor Nelson asked when this would be complete. Council Member Malan said the goal is to complete this by June.

**C. MARCI SATTERTHWAITE:** Council Member Satterthwaite said she has begun planning for the Fourth of July. Council Member Peterson said the Centennial Committee will have their next meeting after the Sweetheart’s Ball on Thursday so they can begin working together on the Fourth of

July/Centennial Celebration. Council Member Satterthwaite asked when Shanna Johnson would need information for the March Newsletter. Susan Obray said by next Thursday. Council Member Satterthwaite said she will put something preliminary together. She requested that anyone who has input on activities get with her. She stated everyone needs to start thinking about nominations for City awards. Mayor Nelson said a request for nominations should be placed in the next newsletter. Council Member Satterthwaite said a design for T-shirts will need to be selected. Council Member Walker stated he would like help with the T-shirts from the Centennial Committee and Council Member Peterson.

- D. KAREN CRONIN:** Council Member Cronin reported that the Youth City Council met and will be helping the Mayor to find pictures and scan them for preservation. She said they also talked about going to the Youth City Council Leadership Conference in Logan on March 10<sup>th</sup>-12<sup>th</sup>. She said George Humbert will be attending the next Economic Development meeting to talk about power grids throughout the City and which areas are ready for Big Box type businesses. She said this will take place on February 24<sup>th</sup> at 6:00pm. She said the City will need to be ready to pay \$1,200-\$1,500 in dues to be part of the County Economic Alliance. Mayor Nelson asked this be placed on the next Council Agenda. Council Member Cronin said these dues may go up the third year, because the Department of Workforce Services is currently helping to fund this. Duncan Murray advised the Chamber of Commerce recognize that the Legislature has passed some bills that have hurt cities, so the Chamber of Commerce is tracking these Bills more closely. Council Member Cronin said a City Representative should contact House Representative Lee Perry in reference to the Rural Designation, if it is passed as it is written now, the County will fall out of this designation and the City will loose money. She said if they designate this not only by population, but by population density we would be able to keep this designation. She said this designation also helps with getting Federal funding.
- E. BILL WALKER:** Council Member Walker said there has been a settlement on discharge rights for Sewer. Duncan Murray said the judge has removed injunction and is now allowing the City to discharge water from the Sewer Plant.
- F. TOM PETERSON:** Council Member Peterson said he has talked with Duncan Murray and asked that a request be sent to the County requesting a break down of how Restaurant tax is disbursed. He said the Centennial Committee is currently working on the Sweethearts dance. He said the tickets are currently being sold and is being advertised by various sources. He said the Senior Day is coming up this will be at the Senior Center he asked the Mayor and Council to send any pictures to the Senior Center. These will be shown in a picture show to the attendees. He said the Centennial Committee is planning a 3-on-3 Basketball Tournament and they are working with Dave Tyler on this. He said the Elementary School has more basketball hoops than the Stake Center, so they are looking at holding the tournament there.
- G. MAYOR NELSON:** Mayor Nelson said he is gathering pictures of the City and residents. He requested anyone with pictures from the 50s and 60s to share them. Council Member Malan asked if the Mayor had any pictures of the old Perry School. He said a few. Council Member Peterson suggested getting with Three Mile Creek Elementary because they keep an archive of pictures. Mayor Nelson thanked the Council for their hard work.

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

- Fourth of July – Preliminary Planning
- Nomination for City Awards

**ITEM 9: TRAINING (REGARDING DISPOSAL OF CITY PROPERTY)**

No training took place.

**ITEM 10: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON February 24, 2011)**

Council Member Peterson said he would not be able to attend the meeting.

**A. MOTION TO ADJOURN**

**MOTION:** Council Member Walker made a motion to adjourn. Council Member Peterson seconded the motion.

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

The meeting adjourned at 8:53 PM.

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Susan Obrey, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder