

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
MARCH 10, 2011

7:00 PM

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  
Susan Obray, City Recorder  
Greg Braegger, Parks Superintendent

OTHERS PRESENT: Dean Bunderson, Lani Braithwaite, Randy Sessions (Box Elder Mosquito Abt. Dist.), Lorin Gardner (JUB Engineering), Tania Carter, Cory Bennion, Shane Salisbury, Steve Pettingill, Tyson Knudsen (Sunrise Engineering)

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Council Member Peterson offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Mayor Nelson 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.

Mayor Nelson recognized residents (recently deceased) including, Jeff Young (Geneva Rock), Ralph Nielsen (Nielsen Fruit), and Lois Nelson (City Historian) for their contributions to the City. He offered condolences to their families.

**B. NEW BUSINESS LICENSE(S)**

None.

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

Susan Obray passed out the warrants.

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

None.

**ITEM 3: PUBLIC COMMENTS (NO PUBLIC HEARINGS)**

**A. PUBLIC COMMENTS**

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

#### **ITEM 4: ANNUAL PRESENTATION BY CORY BENION REGARDING MOSQUITO ABATEMENT DISTRICT**

Cory Bennion Introduced the Box Elder Mosquito Abatement Director Randy Sessions. Mr. Sessions advised the Mosquito Abatement District is a Local District independent from the Cities and County and funded through property taxes. He advised the Board's function is to establish policy for the district and his function is to direct the operation of mosquito abatement. Mr. Session stated Box Elder County Mosquito Abatement District was the second to be created in the State. He said their job is to protect the people from the diseases spread by mosquitoes in the most environmentally friendly way possible. He advised the Bird Refuge is their biggest obstacle, as they do not allow any control within the Bird Refuge boundaries. He said they have to treat the mosquitoes after they disburse from the refuge. He said he is on the American Mosquito Control Committee and is working on a handbook to treat for nuisance mosquitoes. Mr. Sessions reported that there is 3,450 species of mosquitoes, there is approximately 700 different species of mosquitoes in the United States, there are 50 species that make their home in Utah, and 25 different species of mosquitoes in Box Elder County. Each species has its own habitat preferences and own reproductive differences. The district treats large flooded sights, and small sights such as tree holes, catch basins, storm drains, swimming pools, etc. He said the main emphasis of their program is larva control. Mr. Sessions explained there are many factors that must be evaluated before actual treatment can take place, including species found, its ability to transmit disease, its ability to fly long distances, the development time and numerous other factors. He advised his staff must understand taxation, budgets, public relations and they must educate the public about what they do and the laws that govern mosquito control. Mr. Sessions stated staff members also must know about mosquito surveillance, disease control, meteorology, pest control, GPS, GIS, mosquito born diseases, equipment calibration, permits and licensing with US Department of Agriculture. He said the staff is skilled in management, training, patrolling, vehicle maintenance and procurement. He said their job is challenging and they are limited in their resources, but they do the best they can. Mr. Sessions advised they recently built a new facility. They borrowed money to do this, but paid the loan off early (last year) saving interest dollars. He said they currently have 2-4 positions open for daytime seasonal employees and a couple of nighttime seasonal positions as well. Council Member Cronin asked how many cases of West Nile there were last year. Mr. Sessions advised that the number of cases of West Nile has dropped dramatically across the Country. He said there were only 2 mosquitoes found in the entire State with the virus, 0 in Box Elder County, and no human cases. Council Member Peterson asked if they were funded strictly by property tax. Mr. Sessions said yes. Council Member Peterson asked how they went about paying off the loan for the building in a shorter period of time, and asked if they plan to reduce their property tax rate. Mr. Sessions advised there was a property tax increase in 2002 and they increased their budget by 79% to be used for clean up and the new building. He said now that they have completed this project they are decreasing their tax rate and their budget will drop by \$250,000.

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

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

Council Member Peterson reported that the commission talked about a Bob Thurgood project to take place on North East Corner of 1550 South. He explained this would be a 16 bed assisted living facility. Council Member Peterson said Mr. Thurgood brought a preliminary plan to the meeting; the Planning Commission advised there was not enough parking and recommended he bring back a new plan with at least 16 parking spaces. Council Member Peterson said a new dance studio was reviewed; it will be located at the old Francis farm. He said the owners plan to expand and remodel the building. Council Member Malan asked if they discussed secondary water requirements. Council Member Peterson said they decided that secondary water would not be required until water is available in the area of the development. Duncan Murray advised that he was instructed to draft an ordinance addressing this issue.

#### **ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES**

**A. APPROVAL OF WARRANTS**

Council Member Malan asked if the diesel fuel bill was for the generator at the sewer plant. Council Member Walker was not sure, but advised that it is not much money due to the price of the fuel.

**MOTION:** Council Member Malan made a motion to approve the warrants as presented. 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.**

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

No report given.

**C. REPORT REGARDING DEVELOPMENT OF CENTENNIAL SOCCER PARK, AND APPROVAL OF A FUNDING OPTION FOR PARKING LOT IMPROVEMENTS**

Lorin Gardner gave a park update, he advised the sod and sprinklers have been installed and the grass is taking off. He reported that the park will not be open until June 2011. He said the west field has some drainage issues and a drain system will be installed to address this. He stated the next step in the project is the construction of sidewalk, ADA ramps, and curb and gutter. Lorin advised that this is currently out for bid and people are picking up the information for that bidding process. Council Member Peterson asked what sidewalk would be installed. Lorin advised the sidewalk would go all the around the phase 1 (lower) field. Council Member Peterson recommended asphalt instead of concrete for the sidewalk because this surface is better for walking. Lorin advised it is better for walkers, but requires more maintenance. Lorin advised that the bid process for the work ends on March 22<sup>nd</sup> and will be up for Council approval on March 24<sup>th</sup>. He said the concrete work would be completed in April or early May. Lorin stated that the parking lots still needs some finish grading. WW Clyde has agreed to complete the grading. The city would then haul in road base, which WW Clyde has agreed to donate to the city and WW Clyde has agreed to do the finish grade and compaction of the road base on all of the parking lot areas. He advised WW Clyde is doing a paving project at the Bird Refuge and said they are willing to keep their asphalt plant open for an extra day or two, donate their time, the asphalt, and equipment, and pave the parking lots. He said they would donate everything but the oil; the city would need to pay for the oil. Council Member Walker asked what they plan to put on the frontage of the park. Lorin said they plan to put a gravel type road base in this area; it would not be paved or striped. Lorin stated the plan is to have the parking lots completed by mid to late May. Greg Braegger reported while the hydro seed on the upper field is getting established a temporary orange fence will be installed to block off the area. Council Member Walker said the fencing around the old Rocky Mountain Power substation could also be used. Council Member Malan advised a permanent monument will need to be placed at the park; he estimated the cost of a rock monument at approximately \$5,000. Council Member Peterson said this may be too expensive. Lorin reviewed the options for the parking with the council.

- Option A – Road Base all parking areas: Lorin advised this will require additional road base to be hauled in and then removed in the future. Lorin advised the only cost the City would incur is the time and fuel to haul in the base material.
- Option B – Pave the Phase 1 parking lot, road base Phase 2 & frontage: Lorin said the City would pay for the oil, approximately \$10,000. Council Member Malan said the donation amount would be approximately \$50,000.
- Option C – Pave Phase 1 and Phase 2, road base frontage: the oil would cost approximately \$18,000-\$19,000. Lorin advised the donation amount would be approximately \$80,000.

Lorin stated the grading work that will be completed on the parking lots will also be an additional donation from WW Clyde.

Lorin said no curb and gutter will be placed on the upper parking lot, but a burm would be constructed and in the future curb and gutter could be installed; this would require a minor overlay of the parking lot. Council Member Cronin asked when WW Clyde would need us ready for paving. Lorin said they want to complete the paving on May 1<sup>st</sup>. Council Member Malan reviewed a project financial update, put together by Shanna Johnson. He said the total project value to date is \$236,000 he said the State takes a 5% administration fee (\$9,000) and if they approve all the costs and donations the city will receive a \$109,000 reimbursement for work completed. He said if the City was to go with Option C and pave both parking lots, the city would have \$11,000 left in impact fees after the all project items are complete. Council Member Malan said if the Council approves Option B there will be \$19,000 in impact fees remaining, and if they approve Option A there will be \$29,000 remaining in impact fees. He said his recommendation is Option C, approving both parking lots to be paved so the City can take full advantage of the donated service and materials offered from WW Clyde. Greg Braegger also recommended paving both parking lots.

**MOTION:** Council Member Peterson made a motion to approve parking Option C, paving both parking lots at the Centennial Soccer Park. 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 7: PERSONNEL ISSUE**

##### **A. ORDINANCE 11-F, PERSONNEL POLICY AMENDMENT PROHIBITING THE ACCRUAL OF VACATION AND SICK TIME DURING ANY TYPE OF UNPAID LEAVE**

Duncan Murray explained this ordinance will amend the personnel policy to prohibit the accrual of vacation and sick time during an unpaid leave. He said details about paid and unpaid administrative leave were also added to the policy. Council Member Malan recommended putting some additional language in the paid administrative leave section of the policy to address when an employee is placed on leave for non-disciplinary reasons, such as and officer involved in a shooting. Duncan advised he would add some broader language to this section. Mayor Nelson wanted the ordinance changed so it states it is adding and amending the personnel policy and not just amending it. Duncan Murray said he would add this to the Ordinance. Council Member Cronin requested the Ordinance be amended to show that all personal leave is unpaid. Duncan said he would add this to the title and within the section.

**MOTION:** Council Member Cronin made a motion to approve Ordinance 11-F, Personnel Policy Amendment Prohibiting the Accrual of Vacation and Sick Time during Any Type of Unpaid Leave as amended. 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.

#### **ITEM 8: PUBLIC SAFETY ISSUES**

##### **A. RESOLUTION 11-3 INTERLOCAL AGREEMENT WITH WILLARD CITY FOR FIRE AND RELATED SERVICES**

Mayor Nelson said Resolution 11-3 is up for initial discussion. He explained he still has some details to iron out with the Willard City Mayor. He said the City has been partnering with Willard City already for emergency services and we are trying to get as much as we can from this partnership. He said the costs for fire safety is going up and working with Willard may help with this. He recommended the Council read through the Resolution carefully. Council Member Peterson asked if this would come back to the Council for action at a later date. Mayor Nelson said yes. Council Member Cronin asked if there would be any cost involved with this. Duncan said there may be some shift of budgeted monies, but no new

money will be dedicated to this. Council Member Malan asked if we have informed our current fire service provider of this possible change. Duncan advised he would be meeting with Jim Buchanan of Brigham City Fire Department next Wednesday.

**MOTION:** Council Member Cronin made a motion to table Resolution 11-3 Interlocal Agreement with Willard City for Fire and Related Services. 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.

## **ITEM 9: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS**

### **A. APPROVAL OF MINUTES FOR:**

#### 1. FEBRUARY 24, 2011 REGULAR MEETING MINUTES

Council Member Walker requested Page 4, Line 29-30 be corrected. He said the roll call shows that everyone voted yes, but the motion failed. He said the roll call vote needs to be corrected to show Council Member Walker voting no.

Council Member Cronin requested the following corrections be made:

- Page 5, line 20: She requested the word 'States' be changed to 'State's'.
- Page 8, Line 11: She requested the word 'not' be changed to 'nod'.
- Page 8, Line 16: She requested the sentence be changed to read "with the major milestones of the city grit blasted into the rock."

Council Member Malan requested Page 2, Line 24 be corrected to read "Shirlene Peck will remove her temporary building from Lot 1 or she will need to apply and pay for her a building permit for her new building."

**MOTION:** Council Member Malan made a motion to approve the meeting minutes for February 24, 2011 as amended. Council Member Walker seconded the motion.

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

**Motion Approved.** 3 Yes, 2 Abstain.

**B. BOYD MALAN:** Council Member Malan reported that approval has been obtained to clean out the retention basin at the bottom of Three Mile Creek, and the City crew has started working on this project. He said they plan to poison the trees. Mayor Nelson advised they should ensure that this poison is safe and will not negatively affect water that will travel to the Bird Refuge. Duncan Murray stated that the Mayor has signed a proclamation recognizing Arbor Day, which was needed for a grant that Greg Braegger has applied for. He stated if the grant is awarded the City will receive \$600 for the purchase of trees. Duncan said Rocky Mountain Power may also donate money for trees. These trees will be installed at the new Trailhead Park planned for the mouth of Perry Canyon and the Centennial Soccer Park. Council Member Cronin asked what the status is on getting a light at Mt. View Park. Council Member Malan said he has not been working on this project, but will start working on this again.

**C. MARCI SATTERTHWAITE:** None.

**D. KAREN CRONIN:** Council Member Cronin said the Perry Youth City Council will partner with the Brigham Youth City Council to sponsor a Senior Ball at the Brigham Senior Center on approximately April 16<sup>th</sup>. She said that she heard from BRAG on Economic Development and they will be putting in for an EDA grant, which looks promising.

**E. BILL WALKER:** Council Member Walker stated Van Mund has done an excellent job at bringing our First Responders to a higher level and he thinks that partnering with Willard City on fire services would be a great thing. He reported that the City has been pulling sand bags from the sewer lines so that our sewage is routed to the new plant, Monday they should be pulling the rest of the sand bags

and 100% of Perry City's flow will be received at the Wastewater Treatment plant. Council Member Walker said he watched a new way to patch roads on KSL, which lasts for 4-5 seasons instead of just 1. He said he will continue to research this and report back to the Council.

**F. TOM PETERSON:** Council Member Peterson reported on Centennial Activities. He said 106 people attended the dinner dance; there was a deficit in revenues. The event cost \$130, which will be covered by the \$1000 donation received from Rocky Mountain Power. He said everyone who attended seemed to enjoy the activity. Council Member Peterson said the next activity will take place a week from Saturday (March 19<sup>th</sup>) and will be a 3-On-3 Basketball Tournament, taking place at Three Mile Creek Elementary. He said the Centennial Committee is working on an Arbor Day event and a photo contest, to take place in April. He said Steve Pettingill is working with Maddox to see if the photos in the contest can be displayed in the waiting area of Maddox. Council Member Peterson said the Senior Citizen Luncheon was outstanding and included a presentation by Lynn Maddox. She presented a history of Maddox and old pictures of the restaurant. He reported that the Perry Garage Sale will take place on May 14<sup>th</sup>. Council Member Walker asked if the Centennial Committee has discussed T-Shirts for the Fourth of July. Council Member Peterson said his working on this, but needs how many shirts will be needed.

**G. MAYOR NELSON:** Mayor Nelson asked Steve Pettingill to see if Maddox has any old pictures of Perry city that they could share.

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

- None.

**I. DISCUSSION REGARDING "ANNUAL AWARDS"**

Mayor Nelson asked that any award suggestions be given to him or Council Member Satterthwaite.

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

**A. MOTION TO ADJOURN**

**MOTION:** Council Member Cronin 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 Satterthwaite, Yes  
                         Council Member Walker, Yes  
**Motion Approved.** 5 Yes, 0 No.

The meeting adjourned at 9:00 PM.

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Susan Obray, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder

