PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
MAY 26, 2011                      7:00 PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting. Tom Peterson, Karen Cronin, Boyd Malan, Bill Walker (attended by phone 8:06pm – 8:19pm)

OFFICIALS EXCUSED: Marci Satterthwaite, Bill Walker

CITY STAFF PRESENT: Duncan Murray, City Administrator
Shanna Johnson, Chief Deputy Recorder
Scott Hancey, Police Officer

OTHERS PRESENT: Lani Braithwaite, Jeannine Jensen, Lorin Gardner (JUB Engineering), Leah Brightenburg, James Wright (Five-9’s Computer Service), Tyson Knudsen (Sunrise Engineering), Roger Low (Davis & Bott)

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

A. INVOCATION
Mayor Nelson offered the invocation.

B. PLEDGE OF ALLEGIANCE
Shanna Johnson 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), INCLUDING STARSTRUCK DANCE AND PERFORMING ARTS
Mayor Nelson said that the business license for Starstruck Dance was not ready for approval tonight. He presented the business license for Guru Computers, which is a home business owned by Jared Everett. He said he will perform onsite computer repair and there will be no visiting clientele.

MOTION: Council Member Cronin made a motion to approve the business licenses for Guru Computers. Council Member Malan seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

C. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)
Shanna Johnson passed out the warrants.
D. APPOINT A 5-MEMBER ROAD 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)

Duncan Murray said Council Member Walker asked him to report on the status of the Transportation Committee. He said Council Member Walker has the following people lined up:

- Council Member – Bill Walker
- Planning Commissioner – Dave Walker
- City Staff Member – Paul Nelson
- Expert – Greg Hansen
- Resident – Jay Newman (has not yet committed, but is thinking about it)

Duncan said Council Member Walker would rather not have this be a full fledge committee-requiring minutes, and would like to be the Transportation person with this group acting as volunteer assistants.

ITEM 3: PUBLIC COMMENTS AND PUBLIC HEARINGS

A. PUBLIC COMMENTS

Leah Brightenburg: Mrs. Brightenburg expressed concerns about shooting that is taking place in the fenced area by Geneva Rock and the new Perry City Trailhead Park. She said there are people who walk and run along the canal road and the shooting endangers them. She asked what the rules are in reference to shooting in the city. Mayor Nelson said that shooting cannot take place within 300 feet of a home and they should not be shooting in the area. He said he would have the police start monitoring the area.

Officer Scott Hancey asked if they should first give a warning before citing the individuals. Mayor Nelson said yes.

Duncan Murray: Mr. Murray said Shirlene Peck is requesting an escrow release on Canyon Gate V. He said staff is not releasing this because on February 24th the Council voted that a building permit would be required for an escrow release. He said Shirlene believes she has no later than one year to move the building and that she is entitled to the escrow release. He requested the Council give him and city staff clarification on whether or not they can release escrow. Mayor Nelson said he would address in his report, later in the meeting.

B. NOTICE OF PUBLIC HEARINGS (FOR FY2011-2012 BUDGET AND AMENDING FY2010-2011 BUDGET) AT 7:10 PM ON THURS, JUNE 9, 2011

Mayor Nelson announced the upcoming Public Hearing.

ITEM 4: FINANCIAL APPEAL

A. APPEAL BY MRS. GONZALES REGARDING AN OVERAGE FOR CULINARY WATER

Duncan Murray advised that the issue had been resolved and no longer required action from the Council.

ITEM 5: LAND USE ISSUES

A. DISCUSSION REGARDING MAY 5, 2011 PLANNING COMMISSION MEETING

No discussion or comments.

B. FINAL APPROVAL – AMENDED WOODLAND SUBDIVISION (3600 SOUTH 1200 WEST), INCLUDING ADDING LOT 2 FOR AN EXISTING HOUSE AND SEPARATING IT FROM A REMAINING PARCEL (PARCEL NOS. 02-038-0057 AND 02-038-0058)

The Mayor and Council reviewed the plans. Mayor Nelson said the Planning Commission approved the plan. Duncan Murray said the only thing out of the ordinary is that there is no public utility easement in front due to the narrow roads. He said if needed the easement would have to be purchased at a later date.
Jeannine Jensen, owner of the subdivision, asked if a utility company could place an easement and take 10 feet of her yard in the future. Mayor Nelson said they could not do this without her approval, and they would have to pay for the easement.

**MOTION:** Council Member Cronin made a motion to approve the Amended Woodland Subdivision including adding lot 2 for and existing house and separating it from the remaining parcel. Council Member Peterson seconded the motion.

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

*Motion Approved.* 3 Yes, 0 No.

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

**A. APPROVAL OF WARRANTS**

**MOTION:** Council Member Malan made a motion to approve the warrants. Council Member Peterson seconded the motion.

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

*Motion Approved.* 3 Yes, 0 No.

**B. MONTHLY FINANCIAL REPORT**

Shanna Johnson gave a financial report for April. She advised in April the city was 83% through the year. She reviewed collected revenues stating the General Fund has collected 75%, the Utility Fund has collected 87%, the Sewer Fund has collected 75% and 43.97% of non-operating revenues have been received. Shanna advised a budget amendment is planned for the General Fund to address the revenue shortfall. Shanna reviewed expenses advising the 70% of the General Fund budget has been spent, 65% of the Utility Fund budget has been spent, and 57% of the Sewer Fund budget has been spent. Shanna reported sales tax revenue was up in May. She said the city received $62,150.72, which is an 8% increase. Shanna stated the sales have been up for the last three months.

**REPORTS AND/OR ACTION REGARDING THE WASTEWATER FACILITY, INCLUDING APPROVAL OF RESEEDING OPTIONS FOR WESTERN TWO ACRES OF TREATMENT FACILITY**

Approx. 7:34pm

Mayor Nelson said Wastewater Treatment Board Chairman Steve Pettingill is still working on the reseeding options; this has been delayed by the high amount of rain we have received.

Mayor Nelson presented a change order for electrical at the Vactor Truck Building. Council Member Peterson said it is also asking for a two-week extension on the contract. Shanna advised this change order will increase the contract by $13,576.00 to be split between the two cities. Council Member Malan said this does not include heating in the building, and asked if there would be another change order in the future for heating. Mayor Nelson said if this is the case, the City can contract this out and does not need to run this through Spindler construction. Council Member Cronin asked about the $6,200 being charged by Sunrise Engineering for project management and oversight, she said this should be included in the not to exceed amount of $62,000. Mayor Nelson recommended postponing action until the council can speak to Sunrise Engineering later in the meeting.

Approx. 8:15pm

Mayor Nelson asked Tyson Knudsen to answer questions the council had on the change order and Vactor Truck Building. Tyson advised the $13,576.00 for electrical work was up for approval tonight. Council Member Cronin asked why they are charging an additional $6,200 for project management when the
Council approved a not to exceed amount of $62,000 for the entire building. Tyson said the $6,200 was approved in the past along with the $62,000 the power is the only amount that is changing at this time. Council Member Cronin said she did not believe that they approved the project management costs and that they approve $62,000 as a not to exceed amount for the project with the exception of adding electrical. She said she would like to go back and review the minutes and the tapes. Tyson said the Council made a motion 6 weeks ago to pay Sunrise Engineering $6,200. Shanna Johnson asked if this was a warrant. Tyson said no, it was an Engineers Estimate presented when the cost for the building went from $55,000 to $60,000. He said the warrant has already been paid. Mayor Nelson advised that if that is the case we do not need to worry about the $6,200 now. He said the only thing up for approval tonight is Change Order 15 for $13,576 (for electrical). Council Member Cronin asked if there would be additional charges for heating. Tyson said the costs presented for the Vactor Truck Building of $85,661.30 will complete the entire building including the heating.

**MOTION:** Council Member Peterson made a motion to approve the Spindler Contract Change Order #15. Council Member Cronin seconded the motion.
**ROLL CALL:**
- Council Member Peterson, Yes
- Council Member Malan, Yes
- Council Member Cronin, Yes

*Motion Approved.* 3 Yes, 0 No.

**D. RATIFY APPROVAL OF CHANGE ORDER FOR CONCRETE WORK AT CENTENNIAL SOCCER PARK**

Duncan Murray advised the change order will increase the contract by $3,000 and allow the contractor to widen sidewalk from 5-feet to 7-feet, which will give room for a walkway if cars encroach the sidewalk when parked.

**MOTION:** Council Member Malan made a motion approve the Contract Change Order #1 for Romero Construction for an additional $3,000 to widen the sidewalk. Council Member Peterson seconded the motion.
**ROLL CALL:**
- Council Member Peterson, Yes
- Council Member Malan, Yes
- Council Member Cronin, Yes

*Motion Approved.* 3 Yes, 0 No.

**E. REPORT REGARDING PROGRESS AT CENTENNIAL SOCCER PARK**

Council Member Malan said there was a bit of scare about a week ago, the grade on the parking lot was about a foot too high and so the Soccer Committee met with Lance Greer of WW Clyde Co. and worked out a solution. The solution was to move the curb on the east side 2 feet to the west to allow for a better transition from the parking lot to the field. He said the concrete work is taking place and tomorrow they plan to start grading in preparation for asphalt. Lorin Gardner reported that the concrete work will be completed tomorrow. Shanna reported that Lance Greer called and WW Clyde plans to lay asphalt next Tuesday. Council Member Peterson asked if there would still be adequate parking. Council Member Malan said yes. Lorin Gardner said the East parking may not be able to be paved; it will depend on whether or not it is graded tomorrow. Council Member Malan is working on the monument and presented a concept drawing to the Council. He requested the Mayor get the history timeline ready for the monument.

**F. MOTION TO APPROVE A COMPANY FOR FINANCIAL SERVICES**

Approx. 7:56pm - Council Member Bill Walker joined meeting by phone.

Council Member Cronin reported the selection committee reviewed proposals and conducted interviews with the top 5. She provided an overview of the scorecards to the council members and stated there were two top contenders: Davis & Bott and Crane, Christensen & Ambrose. Council Member Walker said
they were both impressive, but recommended Davis & Bott due to them being local (in Box Elder
County) and thought it was good to change up the accounting process. Council Member Cronin agreed
with Council Member Walker. She advised Shanna Johnson was concerned that Davis and Bott is not
experienced with Caselle, but Davis & Bott said if they received the contract they would purchase the
Caselle software and train their staff. Council Member Cronin said she contacted one of their references
Bear River Health Department and they said they had a similar concern with Davis and Bott, because they
did not have their software, but upon being awarded their contract Davis & Bott purchased their software
and they have not experienced any disruption in service. Council Member Peterson asked what the
selection committee’s recommendation was. Council Member Cronin said Council Member Walker and
she recommend Davis and Bott; Duncan Murray and Shanna Johnson recommend our current auditor
Crane, Christiansen & Ambrose. Shanna Johnson advised she feels that Davis & Bott is qualified with
accounting, but currently has no experience with the Caselle system. She said this concerns her because
often time when she has a question, she will send a data exchange to our current financial service provider
and they can give hands on assistance and help with a solution. She said Davis & Bott can purchase the
system, but will still be beginners and she is concerned that she will not be able to get this type of
assistance from them. Council Member Malan said he spoke to Roger Low of Davis & Bott and they said
the they do not have experience with Caselle, but do have experience with similar systems. He said they
did not feel it would be hard to become efficient in the use of Caselle. Council Member Peterson said he
thought it was odd that Davis & Bott was not familiar with Caselle because most local entities use it.
Duncan Murray was concerned that the city has a service contract with Caselle that allows so many calls
per year; the cities calls to Caselle may increase if we cannot call our financial service provider for
assistance with the system and require the City to increase their service level, which will cost an
additional $3,200 per year. Council Member Malan recommended that instead of making additional calls
to Caselle to call our financial service provider and have them call Caselle under their service contract.
Duncan Murray said the other reason he recommended Crane, Christensen & Ambrose is that they
currently work with 30 cities and Davis & Bott works with about 6. Council Member Peterson asked how
long the contract was for. Council Member Cronin said it was for 1 year with the option to extend to
three years. She advised she called Roger Low of Davis & Bott and made sure that they were including
the Pointe Perry SID and services such as splitting out our Sewer Fund in their proposed not to exceed
contract of $15,800; Roger Low said they were including this in that amount.

**MOTION:** Council Member Cronin made a motion to select Davis & Bott as the Financial Service
provider on a 1-year contract renewable up to 4 years. Council Member Malan seconded the motion.

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

**Motion Approved.** 4 Yes, 0 No.

Approx. 8:19pm - Council Member Bill Walker exited meeting by phone.

**G. MOTION TO COMMENCE AN RFP PROCESS FOR AUDITOR SERVICES**
Item cancelled due to not being needed.

**H. MOTION TO APPROVE A COMPANY FOR COMPUTER AND INFORMATION TECHNOLOGY SERVICES**
Mayor Nelson reported that two companies were in the lead Five-9’s and Keller Technologies. He said
they had an IT specialist from Hill Air Force Base, Brett Johnson assist with the interviews. He was
impressed with both companies. Shanna Johnson said the committee is recommending Keller
Technologies based on their pricing being the lower.

**MOTION:** Council Member Peterson made a motion to award the IT Service Contract to Keller
Technologies. Council Member Malan seconded the motion.

Council Member Cronin questioned which contract submittal was being approved. Shanna advised the
committee is recommending the $500 a month option.
ROLL CALL: Council Member Peterson, Yes  Council Member Malan, Yes  Council Member Cronin, Yes  Motion Approved. 3 Yes, 0 No.

ITEM 7: PERSONNEL ISSUE
A. REPORT REGARDING RESULTS OF EMPLOYEE SATISFACTION SURVEY
Shanna advised the survey results were in the Council packets, she said the survey was conducted through survey monkey and asked if the Mayor or Council had any questions in reference to the data. Council Member Cronin thought it was interesting that jury duty pay was listed higher than the 457 plan on the ranking of importance. Council Member Cronin asked what the employees would like to change. Shanna advised it does not list what they want changed just what they are happy or unhappy with. She said it us to the Mayor and Council to review and see what they would like to change in the organization in order to address the issues. She said it is something that should be conducted each year and the goal is to improve each year. Shanna recommended a response some kind, whether it is a meeting or a letter. Mayor Nelson said he was not sure who represented organizational management and asked if this is the Council or someone else. Shanna advised there was a section for supervisor so this is anyone higher than the supervisor level and would include the Mayor and Council. Mayor Nelson said the employees indicated that management does not understand the problems they face on a daily basis. He felt this was something that would fall on a more immediate supervisor level. He asked if they employees would like the Mayor and Council to be more hands on. Shanna said she felt that is what they are looking for. She explained that they would like some kind of reporting or communication with the Council so that they understand what the employees work with on a daily basis. Mayor Nelson said he felt that if the employee had a concern they should contact their Council Member. Council Member Peterson said he felt that the council could do a better job in communicating with the departments that they are over. He recommended attending meetings occasionally with the departments. Duncan Murray said most departments have a weekly meeting that the council members could attend occasionally. Mayor Nelson cautioned that if the council begins meeting with the employees that they do not let the relationships built interfere with decisions necessary. Council Member Peterson said he did not feel this would be a problem. Shanna advised that in the organizational management area of the survey there were four things that the employees found positive. She said that this is just constructive feedback such as you would find in performance review and it is not all negative. Mayor Nelson said he thought this was a great tool the provoked great conversation and would like to see some additional surveys be sent out to gather more information on some of the topics, including the work week. He said the State is going back to a five-day workweek and he would like to gather the information from employees on this. Council Member Cronin said one negative in the survey was on how raises were determined. She asked if raises are merit based. Shanna said all increases are merit based, she said the increases are budget based and that could be what the employees are unhappy with. Shanna said more information made need to be gathered on this topic. Council Member Malan requested some follow up surveys and a work session to review the outcomes of these surveys.

ITEM 8: PUBLIC SAFETY ISSUES
A. ORDINANCE 11-T AMENDING PMC CHAPTER 99.63 (USE OF ADVANCED TASER)
This item was postponed until the next meeting.

B. REPORT REGARDING JUSTICE COURT OPTIONS
Duncan Murray reported that Perry City is negotiating with Willard City in regards to moving to the Willard Justice Court. He said He and Interim Chief Weese have been attending meetings with Willard City staff. He said the focus now is on the Chorus software and its reporting capabilities. They are researching to see if they can get reporting that breaks down the fees. He said if the Justice Court is moved to Willard City it could generate more revenue for Perry City.
ITEM 9: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:
   1. APRIL 28, 2011 WORK SESSION MINUTES
   2. MAY 12, 2011 WORK SESSION MINUTES
   3. MAY 12, 2011 REGULAR MEETING MINUTES
      ° Page 3, Line 28: Council Member Malan requested to strike the words “and keep the cost at $2,700”.
      ° Page 3, Line 30: Council Member Malan requested “led” be listed in all caps and the word “donated” be added in front of LED.
      ° Page 6, Line 36: Council Member Malan requested the name Elton Perry is changed to Tom Perry.
      ° Page 1, Line 43: Council Member Cronin said it does not make sense and requested this be rewritten. Duncan Murray suggested adding, “has applied” after Perry Family Medicine.
      ° Page 4: Council Member Cronin requested to strike Line 21 & 22. She said she wanted this off the record.
      ° Page 4, Line 33: Council Member Cronin said Starstruck Dance should be capitalized.
      ° Page 6, Line 24: Council Member Cronin requested this line be changed to read the Economic Development Committee has met and discussed the rezoning to allow for only retail businesses around the Wal-Mart area.
      ° Page 7, Line 6: Council Member Cronin said the sentence should read, “…go to meeting” instead of “…got to meeting”.

MOTION: Council Member Cronin made a motion to approve the minutes for the April 28, 2011 Work Session, May 12, 2011 Work Session and the May 12, 2011 regular City Council Meetings as amended. Council Member Malan seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

B. BOYD MALAN: Council Member Malan reported that the retention basin by Dick Wagstaff’s property hardly has any water in it and said he would like to research on how we can get more water redirected to it. He said on Maddox Lane there is a culvert going into Maurice Roche’s field and the water was going over into his field. Maurice suggested that we pull the west part of the culvert; Codey Illum has completed this and the water is flowing well. Council Member Malan said the Centennial Park is moving along great.

C. MARCI SATTERTHWAIT: Absent.

D. KAREN CRONIN: Council Member Cronin reported she has an information sheet about Perry that the Economic Development Committee has created. She said she has copies for each council member and is looking for anyone in the community who can help to create a brochure. She reported the Youth City Council will be inviting Brigham and Willard City to Perry City for a party in July. Mayor Nelson advised he could do a movie in the park. Council Member Cronin said they would like to play Frisbee Football on the new soccer park and watch a movie in the Council room. She said the Centennial Float Committee asked if the Council Members would like to be on the float this year. Council Member Peterson said he is committed elsewhere.

E. BILL WALKER: Absent.

F. TOM PETERSON: Council Member Peterson reported the Garage Sale Saturday was very successful. He said there were 58 sales on the map and another 30 that were not on the list. He said the City clean up is currently taking place and the dumpsters are filling up. He said Centennial Committee is meeting next week and he is concerned about the completion of the soccer park, they are trying to set up an exhibition game. He said the committee is working the Centennial Melodrama,
the parade and the floats. He expressed concerns about the T-Shirts. He said Council Member Walker has requested his assistance, but has not ever gotten with him. He said he is worrying a little bit about time.

G. MAYOR NELSON: Mayor Nelson stated Shirlene Peck has requested money be released from escrow for work that has completed in her subdivision Canyon Gate IV and V. She had a potential buyer at the time the work was completed, but that sale fell through. He said the Council asked her to move her building within a year or to submit a building permit. He said she is willing to pay for a building permit, but her new plans are not complete and she is not sure what to pay. Mayor Nelson said she will pay whatever Codey requests based on an estimate. He asked the Council if they would like to allow the release of the escrow if she pays an estimated amount for her building permit. Council Member Peterson said he would be willing if she was a little more cooperative and easy to work with. Council Member Cronin asked if the pending businesses for the area are retail businesses. Mayor Nelson said Shirlene would not release this information. Duncan Murray said the City could notify her and let her know that if the businesses are not retail they can be denied approval for business in the area. The Council was fine with the release of escrow.

H. ITEMS FOR NEXT CITY NEWSLETTER:
• None.

I. DISCUSSION REGARDING “ANNUAL AWARDS”
Mayor Nelson said award suggestions will be due by the next city council meeting.

Mayor Nelson asked to go to Executive session to discuss fitness and character of an individual and pending and potential litigation.

MOTION: Council Member Cronin made a motion to close the regular meeting and go to Executive Session regarding the fitness and character of a person and pending litigation. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes   Council Member Malan, Yes
Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

Regular Meeting closed at approximately 9:23pm.

MOTION: Council Member Cronin made a motion to close Executive Session and resume the regular meeting. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes   Council Member Malan, Yes
Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

Regular Meeting resumed at approximately 9:53pm.

ITEM 12: UPCOMING MEETINGS AND ADJOURNMENT (NEXT REGULAR MEETING ON May 26, 2011)
A. MOTION TO ADJOURN
MOTION: Council Member Malan 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
Motion Approved. 3 Yes, 0 No.

The meeting adjourned at 10:00 PM.