

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
OCTOBER 28, 2010

7:00 PM

OFFICIALS PRESENT: Mayor Jerry Nelson presided and conducted the meeting.  
Tom Peterson, Boyd Malan, Karen Cronin, Bill Walker, Marci Satterthwaite (arrived at approximately 7:12 PM)

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Shanna Johnson, Chief Deputy Recorder

OTHERS PRESENT: Lorin Gardner (JUB Engineering), Boyd Hirschi, Dave Walker, Nick Moyle, Lani Braithwaite, Ryan Cronin, Marcus Dallin Cronin, Tim Berg, Chris Berg, Don Higley, Tasha Bess, Tyler Bess, Russ Petersen, Darlene Petersen, Jay Newman, Julie Gardner, Isaac Gardner, Todd Bischoff, Austin Newton, Lamar Johnson, Brendan Dewberry, Noah Raymond, Garrett Ricks, Seth Anderson, Jerry Capener, Dan Ferraro

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Council Member Malan 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)**

None.

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

Shanna Johnson passed out the warrants.

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

**1. DON HIGLEY AND TODD BISCHOFF ALTERNATE PLANNING COMMISSION MEMBERS**

Mayor Nelson recommended the appointment of Jerrald Nelson and Dave Walker as regular Planning Commission Members and presented Todd Bischoff and Don Higley to be appointed as alternate members of the Planning Commission.

**MOTION:** Council Member Cronin made a motion to accept the Mayor’s appointment of Todd Bischoff and Don Higley as alternate members of the Planning Commission, and move up Dave Walker and Jerrald Nelson to regular Planning Commission members. 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.

**2. REAPPOINTMENT OF STEVE PETTINGILL TO PLANNING COMMISSION**

Mayor Nelson recommended the reappointment of Steve Pettingill to the Planning Commission. He said Steve is a landowner and farmer in the area and he feels his point of view is valuable to the Planning Commission. Council Member Peterson asked if Steve wants to be reappointed. Mayor Nelson said Steve is willing to serve for at least one more term.

**MOTION:** Council Member Peterson made a motion to approve the reappointment of Steve Pettingill to the Planning Commission as of the first of the year (2011). 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.

**E. INTRODUCE YOUTH MAYOR AND YOUTH CITY COUNCIL MEMBERS**

Council Member Cronin introduced the Youth City Council Elected Officials:

- Mayor: Marcus Dallin Cronin
- Council Members: Jason Thompson, Tim Berg, Ryan Cronin, and Tyler Bess

Council Member Cronin invited the youth in the audience to join the Youth City Council. She said their next activity will be next Thursday and they will be touring Myer’s Mortuary.

**F. PRESENTATION OF THE YARD OF THE MONTH AWARD**

Mayor Nelson presented a check to Russ and Darlene Peterson for winning the Yard of the Month and thanked them for their efforts to beautify the city.

**G. APPROVE OF A NAME FOR THE NEW SOCCER PARK (ON 3000 SOUTH)**

Mayor Nelson presented the below Soccer Park Name Entries to the Council for their selection and approval:

- Kid’s Soccer Zone, submitted by Emma Wolthuis
- Centennial Park, submitted by Suresh Kulkarni
- B.E. United Park, submitted by Logan Frye

**MOTION:** Council Member Peterson made a motion to accept the name Centennial Park as the name of the new Perry City Soccer Park. Council Member Walker seconded the motion.

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

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

Council Member Satterthwaite, Yes

Council Member Malan presented a picture example of a possible sign/monument for the soccer park. He said this would be a rock that is 11 feet wide and 4 feet tall.

Council Member Cronin asked that a thank you note be sent to those who submitted suggestions for the name.

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

#### **A. PUBLIC HEARING – PROPOSED NEW PERRY FLOOD CONTROL BOARD**

Mayor Nelson said the City has the opportunity to participate with the County in controlling run-off water and helping with the Perry Flood Control board. He said options have been put together for recommendation to the County for the New Perry Flood Control Board and the council must review and select which options they would like to present. Council Member Malan said there are three flood control structures in Perry City:

- The detention basin at Perry Canyon which flows to the old gravel pit and detention basin behind Cherry Ridge
- The basin at Evans Canyon which flows to the west side of Maddox
- The flood control structure at Mathius Canyon, which can be diverted to Evan’s Canyon.

He said they just got done cleaning up the Mathius Canyon structure and stated there is a lot of cost and effort in keeping the structures maintained.

Duncan Murray said for a long time there had been elected members from Perry City that managed the Flood Control Board, but for the last several years this has been managed by the County. He said the County is now looking at reconstituting an Administrative Control Board made up of Perry Residents. Duncan stated The Board Members would hold four-year terms. It would still be a County created district, but the County is allowing the Council to give their recommendations on how to organize the board. Duncan explained the four decisions the Council will make tonight are:

- Number of Members
- Mode of Selection
  - Elected
  - Appointed
  - Elected and Appointed
- Amount of Authority
- If members are appointed, who is the appointing authority

Duncan advised at a future time the City could create a special service district replacing the existing County created district.

Mayor Nelson turned it over to the Council to open a public hearing so that public input could be obtained.

**MOTION:** Council Member Cronin made a motion to close the regular meeting and open a public hearing for the new proposed Perry Flood Control Board. 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.

**Jay Newman:** Mr. Newman said because tax money is involved he felt that board members should be elected.

Mayor Nelson said that a budget would be prepared by the board, but approved by the elected officials at the County. He stated tax funds do need to be verified.

**Boyd Hirschi:** Mr. Hirschi said he is the President of the Perry Irrigation Company and stated he feels the board members should be Perry Residents who know the irrigation lines and flood areas most.

**MOTION:** Council Member Malan made a motion to close the public hearing and reopen the regular meeting. 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.

## **B. PUBLIC COMMENTS**

Mayor Nelson opened the meeting for public comments.

**Jay Newman:** Mr. Newman said he read recent articles about Utopia in the paper. He said a number of cities have joined the UIA and authorized \$63 million in additional funding to go to this organization. He said Utopia/UIA has already spent \$500 million and have a total of 7600 customers. That comes out to \$700,000 per connection. He felt it is time for the Attorney General to investigate the organization.

**Shanna Johnson:** Mrs. Johnson said the Planning Commission approved to amend the C Commercial Zone to allow storage sheds. She said that a developer is considering putting storage sheds west of the KOA, and she does not feel it is an appropriate area for this type of business. Storage Sheds are more industrial and bring about crime, she said she has rented storage sheds in the past and has been victim to attempts of theft. She does not feel that the development is appropriate to be near residential homes.

## **ITEM 4: LAND USE ISSUES**

### **A. DISCUSSION REGARDING THE SEPTEMBER 2, 2010 PLANNING COMMISSION MEETING**

Council Member Peterson said the main subject discussed was allowing storage sheds in the C Commercial Zone. The Planning Commission was unanimous in recommending that the Council allows storage sheds in the zone. Mayor Nelson said the final decision was to allow storage sheds by design review.

Mayor Nelson said a zone was changed at 3000 South, west of Highway 89 in the past for the Thurgood development that did not happen. He said he would like the zone to go back to the Planning Commission to be changed back to the original zone. Council Member Peterson said he thought there was a reversion clause. Duncan Murray said there was not a reversion clause that changed this automatically, but the development agreement did say that the City would go back and change the zone if the development did not take place.

**MOTION:** Council Member Cronin made a motion to ask the Planning Commission to take the zone that was previously zoned 1/3 acre for a development that did not occur, back to 1/2 acre, and making all future zone changes given for a development be automatically reversed by ordinance if the development does not take place within a year. 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. ORDINANCE 10-V TO AMEND THE LAND USE CHART TO ADD STORAGE UNITS AS A PERMITTED USE (BY DESIGN REVIEW) IN THE C COMMERCIAL ZONE.**

Council Member Peterson stated he did not agree with storage sheds being in the commercial zone because he did not feel this would be an appropriate business in the Pointe Perry area. He said storage bays make no revenue for the city and fit better in a manufacturing/industrial (MI) zone. Duncan Murray said the Pointe Perry area is zoned IC. Council Member Satterthwaite said she does not agree with allowing the storage sheds in commercial because it takes away land that could be used for business that will contribute to sales tax revenue. Mayor Nelson said storage sheds cannot be used in a manufacturing or industrial realm. He stated storage sheds near residential zones would be good so people can take their boats, trailers, ATVs and stuff in. Mayor Nelson said the landowner west of the KOA is requesting to put storage sheds in that zone. Council Member Cronin questioned if homeowners want the storage units close to them. Mayor Nelson said the Planning Commissions thoughts were to put the storage units there in order to clean up the area and that they are by design review. Council Member Peterson said there is already storage units (ADL Storage) put in by the Nielsen's on the west side and questioned how that was working. Aaron Nielsen was present and said there was more supply than demand. Council Member Satterthwaite said there were already a lot of storage units. Council Member Satterthwaite, Cronin and Petersen expressed concern that the zone change would allow storage sheds in all commercial zones and did not want to tie up commercial property for the units. Mayor Nelson said we need to be prepared so that if an ordinance is passed that disallows the parking of RVs for a long period of time residents have somewhere to store them. Council Member Cronin said she would rather see the area rezoned instead of allowing storage sheds in commercial zones. Duncan Murray advised another option is to limit part of a zone to an area. Council Member Cronin disagreed with doing this, because it would open the zone to be changed in the future. Mayor Nelson said this particular developer will submit an application to change this to a manufacturing zone and this will most likely not be approved. Council Member Walker questioned where storage units will go then. Aaron Nielsen said there is a 2.5-acre lot next to his storage sheds and is in the MI zone and would be allowed. He said how this zone was explained to him was the type of buildings that are in manufacturing and industrial zones match more closely to what a storage building looks like and that is why they are placed in these areas. Council Member Malan said the city cannot isolate the storage units from residential areas because eventually with growth residential will be by storage units. Council Member Peterson said the only way he would support allowing the storage sheds in a commercial zone would be if it only was allowed in specific areas. Duncan said making a footnote on the land use chart could do this, only allowing this south of 3000.

**MOTION:** Council Member Cronin made a motion that the City does not allow storage sheds in the Class C Commercial Zone, but leave open the option for a developer to apply for a rezone. 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, No  
**Motion Approved.** 3 Yes, 2 No.

**ITEM 5: FINANCIAL, PUBLIC UTILITIES AND TECHNOLOGY ISSUES**

**A. APPROVAL OF WARRANTS**

Council Member Walker questioned what H&E Equipment is for. Shanna Johnson said that check is on hold and is for a skid steer that has not been delivered. Council Member Walker questioned if the payment to Ron Foster Construction was the final payment for the work done on 2000 South. Shanna said yes. Council Member Malan questioned if the WWTP bills are just the Perry City portions or if some of the amounts will be reimbursed from Willard. Shanna said these are bills for construction of the plant and are Perry City's portion.

**MOTION:** Council Member Walker made a motion to approve the warrants with the exception to the payment to Sunrise Engineering. He requested this be held until litigation is finished. 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.

**B. REPORTS AND/OR CHANGE ORDERS REGARDING THE WASTEWATER FACILITY**

Mayor Nelson reported that he went to a meeting at the Division of Water Quality (DWQ) last week. The Division of Water Quality Board said they will hold the city harmless for any issues with the holding of the permit. He explained that DWQ will be doing some testing at the plant and they will be paying for any costs in relation to this study. The permit is being processed and it will be issued by the 1<sup>st</sup> of January. Council Member Malan questioned the metering of the influent and the request to limit the use of the facility. Mayor Nelson said DWQ asked Perry City to limit the amount of influent in the summer months and send some influent to our Sewer Lagoons until they have finished with their study. Duncan said an influential member of the board recommended not mandating limited use of the facility in the permit but request limited use. Council Member Malan questioned if this will open up to the environmentalists an opportunity to question the study. Mayor Nelson asked the same question at the meeting, he said during a study you should limit your variables. Mayor Nelson said they will continue to monitor the permitting and keep everyone informed.

**C. APPROVE OF AN OPTION TO RECOMMEND TO THE COUNTY COMMISSION REGARDING PROPOSED NEW PERRY FLOOD CONTROL BOARD**

Council Member Malan questioned if our staff would be able to take minutes at board meetings and where the funding for that would come from. Duncan Murray said the City would be responsible for the minutes and the funding would come from the Flood Control Budget.

**MOTION:** Council Member Malan made a motion to recommend to the Box Elder County Commission, that the Perry Flood Control Board be made up of a 5 member board with 1 non-voting Council Member

Advisor to be appointed by Perry City, and that the board will have the maximum authority to create a budget and control the financing of projects, with a yearly review to be conducted by the County and the City. 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.

#### **D. MONTHLY FINANCIAL AND BUDGET REPORT**

Shanna Johnson gave a Budget Update as of September 2010. She stated the current report shows 25% of the year has elapsed, the General Fund has received 5% of planned revenues, 30% of revenues have been received by the Utility Fund, 19% of revenues have been received by the Sewer Fund and current figures show 10% of non-operating revenues have been collected. She reported 29.3% of the General fund budget has been expended, explaining that streets budget shows 56.2% spent due to the 2000 South project being complete. Shanna advised Fire shows high due to the \$10,000 fire contract fee paid to Brigham City. Shanna stated the Utility Fund has spent 22% of their budget and 11.3% of the Sewer budget has been expended. Shanna reported that Sales Tax revenues for September were 9.49% down and she just received the numbers for October, which are 16% down for an average 13% down. This would equate to approximately \$90,000 if this trend continues. Shanna said this will need to be watched and proper adjustments will need to be made to the budget if this trend continues. She said the City is making good progress on the Fiscal Year 2010 audit. She has been working with auditor and we will hopefully have a completed financial report by November Council meeting. Council Member Malan questioned why only 5% of revenues have been collected for the general fund. Shanna stated general fund revenues are made up mostly by Property Tax that is collected in November, so we will see this increase in the next few months. Council Member Peterson requested a break down of sales tax by business is sent by email to the Council. Shanna agreed to get this sent. Mayor Nelson asked if moving November's meeting to the 18<sup>th</sup> would help the getting the financial audit complete. Shanna said yes.

#### **E. RESOLUTION 10-18 TO APPROVE OF AN INTERLOCAL STORM WATER SERVICE AGREEMENT WITH BRIGHAM CITY**

Duncan Murray advised this agreement was reviewed in the last meeting and addresses storm water that is collected in Perry and retained in Brigham. He said this is putting the agreement with Brigham City in Resolution format and if approved, would allow the Mayor to sign an agreement with Brigham City. He said this agreement deals with the impact fees and monthly fees for storm drains. He said if approved there would be a 75/25 split on monthly fees from commercial storm water users and a 50/50 split on monthly fees collected from residential storm water users. Impact fees would be collected by the city that provides the perspective service at the rate of the current impact fee analysis of the party providing the storm drain utility. Duncan said some questions were who would collect the fee. He said Perry City would collect the fee and forward the appropriate share to Brigham City. Council Member Malan questioned why Brigham City wants 75% of commercial fees when the commercial businesses are already charged a higher fee. He recommended this also be a 50/50 split. Lorin said in these areas the majority of the infrastructure is in Brigham City, but agreed that we are charging more to commercial.

**MOTION:** Council Member Cronin made a motion to approve the Resolution 10-18 To Approve of an Interlocal Storm Water Service Agreement with Brigham City with an effort to try to negotiate a 50/50 split per ERU on both residential and commercial. 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.**

**F. RESOLUTION 10-19 TO AMEND PMC TITLE 84 TO REDUCE WATER CONNECTION FEES AND TO MAKE MINOR CORRECTIONS AND CHANGES**

Duncan Murray advised that there are two options to review the first is a change in water connection fees. The fees have been reviewed and due to the cost of meters being less and developers doing more of the work the City feels it can reduce the water connection fee by \$300.00 making the standard residential fee \$350.00 and to \$440.00 for 1” meters. Duncan said in addition to making this change to the Consolidated Fee schedule city staff proposes adding the already set Storm Water Fees to the fee schedule, which were not previously placed in the document. The second option would be to reduce the storm water fees to an average found in recent impact fee studies.

**MOTION:** Council Member Cronin made a motion to approve Resolution 10-19 option 1 To Amend PMC Title 84 to Reduce Water Connection Fees and To Make Minor Corrections and Changes to the Consolidated Fee schedule. 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.**

**ITEM 6: PUBLIC SAFETY ISSUES**

**A. REPORT ON THE OCTOBER 12<sup>th</sup> EMERGENCY MANAGEMENT TRAINING HELD AT THE SOUTH OGDEN OFFICES**

Mayor Nelson reported that 9 representatives from the City attended an Emergency Management Training held at the South Ogden offices. He said the training was good and the food was great. Shanna Johnson advised that she will be contacting the Mayor to set up a follow up meeting with department heads. She said the department heads will be asked to come up with possible scenarios and identifying Incident Command Staff Members for review by the Council.

**ITEM 7: PERSONNEL ISSUE**

None.

**ITEM 8: TRAINING**

**A. TRAINING REGARDING IMPACT FEES, INCLUDING REVIEW OF FEES CHARGED IN NEARBY MUNICIPALITIES**

Council Member Walker presented a study that was put together by Shanna Johnson and Duncan Murray. He said he took the totals of impact fees charged by each City and averaged them for each category. He said the City would be more in line with the average building permit fee if small reductions in plan check fees, storm water impact fees, and parks impact fees were made. Council Member Peterson stated that studies were done and in most cases the maximum fee recommended were not selected, he disagreed with reducing any fees in order to try to increase development. He said the fees are based on impact and not the economy. Council Member Satterthwaite agreed. Council Member Malan stated he felt if the fees are

too high they can push away not only residential but also commercial development. No action was taken at this time.

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

**A. APPROVAL OF MINUTES FOR:**

2. SEPTEMBER 23, 2010 REGULAR MEETING MINUTES

Council Member Malan recommended page 5 line 23 is corrected to read detaining instead of retaining.

3. OCTOBER 12, 2010 SPECIAL TRAINING MEETING MINUTES

**MOTION:** Council Member Malan made a motion to approve the September 23, 2010 Regular City Council Meeting minutes and the October 12, 2010 Special Training Meeting minutes as amended. 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. BOYD MALAN:** Council Member Malan reported that the work on the structure at Mathius Canyon has been completed. The soccer park parking lot grading has been done and the fence is being worked on. He presented his plan for the park monument, he said the asking price for the rock is \$3000 and the engraving will be \$850.00.

**C. MARCI SATTERTHWAITE:** None.

**D. KAREN CRONIN:** None.

**E. BILL WALKER:** Council Member Walker said Public Works has almost completed converting all water meters to radio read. He said public works will start working on correcting the dip at 900 West.

**F. TOM PETERSON:** Council Member Peterson said the Jack-O-Lantern Lane was a success and thanked Kim Reeder for her efforts. He said many residents have asked that this be a reoccurring event. He said the next event will be a Literary Contest.

**G. MAYOR NELSON:** None.

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

- No items suggested.

**I. DECIDE WHETHER NEXT MEETING SHOULD REMAIN ON NOVEMBER 11, 2010 (VETERANS DAY) OR BE CHANGED TO THURSDAY, NOVEMBER 18, 2010**

**MOTION:** Council Member Peterson made a motion to change the November 11<sup>th</sup> Council meeting to November 18<sup>th</sup> in observance of Veteran's Day. 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 10: UPCOMING MEETINGS AND ADJOURNMENT (THURSDAY, NOVEMBER 18, 2010 7:00 PM, FOR THE NEXT REGULAR CITY COUNCIL MEETING)**

**A. MOTION TO ADJOURN**

**MOTION:** Council Member Walker moved to dismiss. Council Member Satterthwaite seconded the motion.

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

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

Council Member Satterthwaite, Yes

The meeting adjourned at 10:00 PM.

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Susan Obay, City Recorder

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Jerry Nelson, Mayor

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Shanna Johnson, Chief Deputy Recorder