

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICES  
OCTOBER 27, 2011

7:00 PM

OFFICIALS PRESENT: Mayor Nelson presided and conducted the meeting.  
Tom Peterson, Boyd Malan, Marci Satterthwaite, Bill Walker, Karen Cronin (arrived at approx. 7:13pm)

CITY STAFF PRESENT: Duncan Murray, City Administrator  
Shanna Johnson, Chief Deputy Recorder  
Paul Nelson, Public Works Director

OTHERS PRESENT: Reese Nelson, Jana Nelson, Todd Christensen, Lorin Gardner, Taylor Ashcroft, Tanner Edgington, James Powell, Cliff Rossberg, Michell Coburn, Sam Bakker, Brian Coburn, Steve Pettingill, Roger Cranay, Lani Braithwaite, Tom Lowder, Sherrill Lowder, Dez Thomas, Brian Arnold, Matt Wadsworth, Orson F. Boyce, Ann Davis, Paula Smith, Van Mund

**ITEM 1: CALL TO ORDER**

Mayor Nelson called the meeting to order.

**A. INVOCATION**

Council Member Peterson offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Duncan Murray led the audience in the Pledge of Allegiance.

**ITEM 2: NEW BUSINESS LICENSES, PROCEDURAL ISSUES, AND APPOINTMENTS**

**A. CONFLICT OF INTEREST DECLARATION**

None.

**B. NEW BUSINESS LICENSES**

None.

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

Shanna Johnson passed out the warrants.

**Approx. 7:13pm**

Council Member Cronin arrived.

**ITEM 3: PRESENTATIONS**

**A. REPORT BY PUBLIC WORKS DIRECTOR PAUL NELSON REGARDING  
INFILTRATION INTO THE WASTEWATER SEWER SYSTEM**

Paul Nelson advised that according to the Census the population of Perry City is 4512. According to City records, there are 1373 residential sewer connections, equaling 3.28 people per connection. The City bills to 1406 connections, with 33 commercial connections (based on equivalent residential units). Paul stated in order to find the amount of flow that should be coming from Perry City you would take 1406 connections and multiply by 3.28 people per connection, then multiply this by 100 gallons (which is the engineers estimated number of gallons expected to be used by each person per day). This equals 461,168 gallons per day. He said the flow meters at the plant are showing a daily flow of 710,000 gallons, which

means the city is infiltrating 250,000 gallons of water per day or 173 gallons per minute. He said there are 125,000 feet of sewer line with some of the line having been in the city since 1973. He said in order to investigate this it will cost 55 cents per foot to video the line (pricing from Val Kotter) and find leaks; the city would need to clean the line prior to this (which is an additional 40 cents per foot.). Once the leaks are identified, Val Kotter charges \$300 to repair the first leak in a section and \$150 for each additional leak in that section. Paul stated that currently Willard City has 660 connections (32%) and Perry City has 1406 connections (68%). The current ownership of the plant is Perry City 61%, Willard City 39%. He said once Willard is all the way hooked up they should have 216,000 gallons flowing to the plant and they should have very low infiltration because they have a new collection system. He said this will mean that they will have 22% of the flow and Perry City will have 78% of the flow. Paul explained the current budget for operations is \$260,000, which means that if based on the share of flow, Willard would be responsible for \$57,200 and Perry will be responsible for \$202,000. He stated the current budget was based on number of connections, but is to be evaluated after one year. Paul asked Steve Pettingill if this will then be based on flow. Steve said that would need to be discussed in a Wastewater Board Meeting. Paul said if they were to stop 100,000 gallons of infiltration, it would save the city \$10,000 a year and would save on the operations of the plant. He said they have been doing some bacteria testing to help locate the problem areas, and feels most of the infiltration is in the line that runs along the north side of the nature park and 2700 South. He suggested cleaning and videoing that area first. Mayor Nelson asked when the line by the nature park can be reviewed. Paul Nelson said the line needs to be cleaned and they do not have the staff to complete this at this time. Mayor Nelson said he does not want to put this off, and suggested some part-time people be hired to help with this. He asked Paul to get an estimated number of hours needed. Kotter, a private company, could clean and video the approximately 1800-1900 feet of line (north side of nature park to 2700 South) for approximately \$1,800.00.

**Approx. 7:05pm**

#### **ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS**

##### **A. PUBLIC COMMENTS**

**Todd Christensen:** reported that the Perry CERT Team participated in a Mock Disaster hosted by Willard City last week. He said calling trees were activated, and Jeff Johnson from FEMA was present and had a lot of good recommendations and feedback. The event was a success.

**Roger Cranay:** stated he placed a trailer sign in the City for his business the "Room Loft". City staff contacted him and asked that this be removed since it was against the city ordinance. He said he petitioned the Planning Commission for an exception and was denied. He stated he felt the city was taking the landowner's and his property rights away. He encouraged the city to make their ordinances more business friendly, because business will come to where it is easier for them to operate.

**Approx. 7:30pm**

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

##### **A. DISCUSSION REGARDING OCTOBER 6<sup>TH</sup> PLANNING COMMISSION MEETING**

Council Member Malan asked if the storm drain being placed on Maddox Lane will run into the flood control ditch. Lorin Gardner said the storm drain will link into the storm drainpipe.

##### **B. RESOLUTION 11-24, APPROVING AN EXTENSION OF UPLAND SQUARE DEVELOPMENT AGREEMENT (1100 S. AREA, WEST OF WALMART)**

Brian Arnold of Upland Square advised they are asking for a three-year extension due to the slow economy. They feel this will help attract business to the area. Duncan Murray advised this would extend the agreement to February 2015 and would keep the land use chart from 2009 to remain in affect for that area until February 2015.

**MOTION:** Council Member Cronin made a motion to approve Resolution 11-24 approving an Extension of the Upland Square Development Agreement. 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.

**C. ORDINANCE 11-L REGARDING AMENDMENTS TO CHAPTER 45.20 (LAND USE CHART), INCLUDING USES ALLOWED IN THE C1 COMMERCIAL ZONE**

Duncan Murray advised there are two changes, one to paragraph 5 of the ordinance and changes to the land use chart itself. He said the ordinance proposes to take the C1 zone and focus it on retail or revenue producing uses. He said a committee reviewed this and recommended to the Planning Commission to go through the listed uses and make changes on what was permitted. He reviewed the main proposed changes to the land chart:

- Public buildings were limited
- Art Galleries are limited
- College, Universities or Trade Schools were eliminated
- Day Cares were eliminated
- Automotive repair or body shops were eliminated
- Professional office space are limited
- Recreational businesses are limited
- Photo print shops are limited

Council Member Cronin explained that any non-retail or tax revenue producing business would be limited to only make up 20% of any development. She said the committee who reviewed the C1 area and proposed these changes was made up of Steve Pettingill, Esther Montgomery, Troy Lion from County Economic Development, Matt Hansen (a business owner in the area), Duncan Murray (City Administrator), Codey Illum (City Inspector), and herself. She stated schools would still be allowed in the C zone, which is located by Bridgerland Applied Technology College and the Utah State University extension. She stated that the retail would be encouraged to be on main level, while professional office space or housing could be located on the second level, but would require that the retail business be in place first.

Council Member Malan disagreed with restricting the 20% of non-retail business to being the last allowed in a development. He feels that if we allow the professional or non-retail business immediately it will draw in other business, including retail. Council Member Walker stated he feels the City needs fewer restrictions on business and needs to be more business friendly. Council Member Peterson agreed with Council Member Walker. Mayor Nelson said that by having a commercial zone we have already limited the area as it is. To entice business, you need either more traffic flow or more rooftops. He feels that in order to achieve this, the City needs to show people that this is a free and open area to move. Council Member Cronin added that this area has more traffic suitable for retail business and is the only area that is able to house a big box store. Also, businesses such as Olive Garden do not move into an area until they see other similar businesses in the area.

**MOTION:** Council Member Cronin made a motion to table Ordinance 11-L Amendments to Chapter 45.20 (Land Use Chart), Including uses in the C1 Commercial Zone. 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.

**D. ORDINANCE REGARDING AMENDMENTS TO TITLE 58 (SIGNS), INCLUDING SECTIONS 58.04.030 AND 58.05.080**

Duncan Murray said the Planning Commission reviewed two sections of this ordinance referring to off premises signs, mobile signs, and billboards. They recommended no changes to either section of the ordinance at this time. Mayor Nelson said the Planning Commission is looking for direction on what the council would like in this ordinance. Mayor Nelson suggested that signs be acted upon by design review, and to remove restrictions (and to only restrict if there is detriment to the safety of the public). Duncan Murray advised that standards are needed in order to ensure you are not being arbitrary and capricious, but this can be by industry standard, and by general standards for health and safety (as opposed to “numerical standards”).

**MOTION:** Council Member Walker made a motion to give the Planning Commission direction from the Council to do a study on signs and to explore industry standards, health and safety issues, and UDOT restrictions. Council Member Peterson seconded the motion.

**ROLL CALL:** Council Member Peterson, Yes                      Council Member Malan, Yes  
                         Council Member Cronin, No                      Council Member Satterthwaite, Yes  
                         Council Member Walker, Yes

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

[The City Council did not take any action to amend PMC sections 58.04.030 or 58.05.080; but rather, directed the Planning Commission to review the entire sign ordinance (Title 58).]

**Approx. 8:16pm**

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

**A. REPORT AND/OR ACTION REGARDING PERRY FLOOD CONTROL DISTRICT, INCLUDING REQUESTING APPLICATIONS FOR MEMBERS OF THE ADMINISTRATIVE CONTROL BOARD**

Duncan Murray advised that the County Commission approved a resolution giving authority of flood control board back to the City and its residents. The board will now need to be established. Duncan explained this will be a 5-member board with a 6th non-voting member (council member). The process to select the board members will be to publish a notice in the paper, accept applications for 2 months, and then appoint members. He said the appointments will take place during the first meeting in January. Council Member Peterson asked if these are paid positions. Duncan said they are not paid, but they will have the ability to spend money because the county commission has turned the flood control budget over to the board. Mayor Nelson asked what checks and balances will be in place. Duncan stated they will undergo an annual audit. He said they will also report to the Mayor and Council, so if at any time the Council feels a board member is not doing a good job the appointment can be removed. The County Commission will also review the Board’s actions once a year. Council Member Malan questioned compensation, explaining that in section 13 it states that the board members should be paid a per diem rate set by the Administrative Control Board. Duncan stated that per diem is intended to be reimbursement for actual costs incurred and not set compensation. During the appointment process members will be informed that this is an unpaid position. Mayor Nelson asked if the secretary will be compensated. Duncan recommended pay for a minutes clerk. The Board will also pay for professional services, including engineering fees.

**MOTION:** Council Member Malan made a motion to direct the City staff to advertise a request for applications for Administrative Control Board Members for the Perry City Flood Control, which will be a non-paid opportunity for service. 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. REPORT AND OR ACTION REGARDING THE WASTEWATER TREATMENT FACILITY**

Steve Pettingill advised that preparation for seeding on the west side of the Wastewater Treatment Plant is complete, which is part of the required rehabilitation plan. Monies will be due for this preparation. He stated that he appreciated Paul Nelson’s report on infiltration and understands Paul’s feelings on billing, but stated there are two members of the board from Willard that may not feel the same and this will all need to be taken under consideration. Steve stated that he has assigned Jeff Hollingsworth to line up meetings with two other sewer treatment facilities who service multiple entities. They will research how other facilities have structured their methods for billing, so the Perry-Willard Wastewater Treatment Board can figure out the best way to address the billing process. He said he wants this to be as fair as possible. Steve reported that a grant was awarded to the Perry-Willard Wastewater Treatment Plant in the amount of approximately \$372,000 from the State Water Quality Board to install a pipeline going south; this will require that we work with the Weber Basin Water Conservancy District and the Water Users Association. He said this may take some time, but he hopes that this will be completed in 18 months.

**C. APPROVAL OF WARRANTS**

**MOTION:** Council Member Cronin made a motion to approve the warrants. 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**

**Approx. 8:16pm**

**ITEM 7: PUBLIC SAFETY AND PERSONNEL ISSUES**

**A. APPROVAL OF PAY RATE FOR PART-TIME, TEMPORARY FRONT OFFICE EMPLOYEES**

Mayor Nelson advised this pay rate would be the rate paid to any new part-time temporary office employees.

**MOTION:** Council Member Peterson made a motion to set a pay rate of \$10.50 per hour for Part-Time Temporary front office staff. Council Member Malan seconded the motion.

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

**B. DISCUSSION REGARDING PARTICIPATION IN THE 2012 MOCK DISASTER EXERCISE**

Duncan Murray reported that the event will take place on April 17<sup>th</sup> beginning at 10:15am. He explained that a mock earthquake will take place, and everyone is to treat it like a true earthquake. He announced that Perry City has registered to participate and can participate in any way they would like with any agencies they see fit. Duncan said the City will want to come up with what they would like to do and begin organizing these efforts.

**MOTION:** Council Member Peterson made a motion move forward with participating in the 2012 Mock Disaster Exercise and decides how we will be participating. 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**

**C. RESOLUTION 11-3 APPROVING AN INTER-LOCAL COOPERATION AGREEMENT BETWEEN WILLARD CITY AND PERRY CITY FOR EMERGENCY MEDICAL SERVICES**

Duncan Murray explained that this resolution ratifies and puts in writing what the two cities have been doing for the last three years; working together to respond to emergencies and providing first responder services. Secondly, it adds Perry City into Willard City’s EMS area and officially combines the two areas into one. Van Mund reported that Willard City had not yet reviewed the recent amendments to the resolution, so this item is not ready for action at this time. He said in previous discussions with the Willard Council, they seemed to support the effort. They did have concerns on Fire Services, Willard will be providing most of the fire protection services in the beginning and they may seek some compensation. Van stated if Perry First Responders combine with the Willard City First Responders, they will move to an intermediate level and can carry the same meds and equipment as an ambulance. The only limitation they will have is they will not be able to transport to the hospital. Van reported that the mock disaster that took place in Willard went very well. He said Jeff Johnson from FEMA attended the event and praised communications between CERT and the command center. Van said they worked through the mock disaster in about 2 hours. Van reported that the Perry fire trucks underwent pump testing conducted by Larsen Fire Service and they found significant issues with the large engine. The bearings in the pump are out and it would cost about \$5,000 to replace the bearings. Larsen Fire Service did not recommend making these repairs, stating that with the age of the truck it would be better to replace the truck with something a little newer and in better shape. He said the brush truck runs well and they want to equip this truck with some monies from the first responder budget. He said this will be used in some medical and fire calls. Van advised the Council that Brigham City is moving to more streamlined operations with only 3 shifts, 10 people per shift. He said their staff has dropped from approximately 50 people to about 35. He said he believes the number of staff will drop lower due to upcoming fitness testing. He said they are working with other agencies on automatic aid agreements. Mayor Nelson said he agrees with the automatic aid efforts and feels this will make response to calls much quicker.

**MOTION:** Council Member Peterson made a motion to table Resolution 11-3 Approving an Inter-Local Cooperation Agreement between Willard City and Perry City for Emergency Medical Services. 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**

**D. RESOLUTION 11-23 APPROVING AN INTER-LOCAL COOPERATION AGREEMENT WITH BOX ELDER COUNTY FOR JUSTICE COURT SERVICES**

Duncan Murray advised we have been using the justice court for the last several years; this is just putting this partnership in writing. He said this has not yet been approved by the County and is not yet ready for action at this time.

**MOTION:** Council Member Peterson made a motion to table Resolution 11-23 approving an Inter-Local Cooperation Agreement with Box Elder County for Justice Court Services. 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**

**ITEM 8: TRANSPORTATION ISSUES**

**A. REPORT REGARDING UDOT PLANS FOR 1100 SOUTH, INCLUDING THE 1100 WEST INTERSECTION**

Mayor Nelson gave a presentation on the Continuous Flow Intersection planned for 1100 South/1100 West. He showed a diagram of the intersection explaining this will reduce wait time and increase flow. He explained this is a Brigham City project, but will benefit our area.

**B. REPORTS REGARDING 1425 S (MACE ST.) HWY 89 UDOT PROJECT, MADDOX LANE IMPROVEMENT PROJECTS, AND RELATED PROJECTS**

Council member Walker reported that 2250 South has been widened and is ready for asphalt. Mayor Nelson said that 2250 South, the top of Maddox Lane and the Centennial Soccer Park parking lot will all be paved. Duncan Murray stated that all asphalt work should be completed by next Monday. The Council was not opposed to any of the expenditures for the expenditures for these improvements were appropriate. Duncan reported that UDOT finished rounding the corners for a future 4-way intersection at 1425 S (Mace Street). The rest of the work at the intersection will be “development driven.”

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

**A. APPROVAL OF MINUTES FOR:**

1. OCTOBER 13, 2011 CITY COUNCIL MEETING

**MOTION:** Council Member Peterson made a motion to approve the minutes for the October 13, 2011 City Council Meeting. Council Member Malan seconded the motion.

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

**Motion Approved.** 4 Yes, 1 Abstain

**B. BOYD MALAN:** stated he was glad that the flood control board resolution has been passed by the county.

**C. Karen Cronin:** reported that there will be a Box Elder County Economic Alliance Second Annual Summit on November 4<sup>th</sup>. Due to significant donations, this will be a free event and will include breakfast and lunch. She said there will be State Representatives and Senators in attendance. Council Member Peterson said he attended last year and it is a great event. Council Member Cronin congratulated Kelsey Braithwaite from Perry who took State and set a new State record for women in track.

**D. MARCI SATTERTHWAITE:** None.

**E. BILL WALKER:** None.

**F. TOM PETERSON:** None.

**G. MAYOR NELSON:** said there a couple of young men in the community applying for the naval academy and requested some Perry City letterhead and envelopes for some recommendation letters. He requested some more Perry City pins be ordered.

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

- None.

**ITEM 10: ADJOURNMENT (NEXT REGULAR MEETING ON NOVEMBER 17, 2011)**

**A. MOTION TO ADJOURN**

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

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

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

The meeting adjourned at 9:35PM.

---

Susan O Bray, City Recorder

---

Jerry Nelson, Mayor

---

Shanna Johnson, Chief Deputy Recorder