

**OFFICIALS PRESENT:** Mayor Karen Cronin presided and conducted the meeting. Esther Montgomery, Toby Wright, James Taylor, Nathan Tueller, Brady Lewis

**CITY STAFF PRESENT:** Greg Westfall, City Administrator  
Shanna Johnson, Chief Deputy Recorder

**OTHERS PRESENT:** Craig Hall, Robin Hall, John Egan, Chantel Egan, Allena Pierce, Talon Peterson, Tray Sterner, Travis Coburn, Shara Holt

**ITEM 1: CALL TO ORDER**

Mayor Cronin called the regular City Council meeting to order.

**A. INVOCATION**

Council Member Tueller offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Council Member Lewis led the audience in the Pledge of Allegiance.

**C. REVIEW AND ADOPT THE AGENDA**

**MOTION:** Council Member Montgomery made a motion to approve the agenda. Council Member Lewis seconded the motion.

**ROLL CALL:** Council Member Taylor, Yes                      Council Member Montgomery, Yes  
Council Member Wright, Yes                      Council Member Tueller, Yes  
Council Member Lewis, Yes  
**Motion Approved.** 5 Yes, 0 No.

**ITEM 2: PROCEDURAL ISSUES**

**A. CONFLICT OF INTEREST DECLARATION**

Council Member Lewis noted a possible conflict of interest with item 6A as he lived in Maple Hills Subdivision and is building another house there. Mayor Cronin said they would note this. Greg Westfall said it is a good note but when the item is discussed he thinks that Council Member Lewis will be fine.

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

Shanna Johnson passed out the warrants.

**C. APPOINTMENTS CITY BOARDS**

Mayor Cronin presented the appointment of Jon Rackham who has been serving on the Special Uses and Appeals board, noting his term has expired. She said she asked him if he

would be willing to continue to serve on the board and stated that it is her recommendation to the Council to reappoint Jon Rackham to serve on the Special Uses and Appeals Board. Council Member Taylor asked how many are on the board and who serves on the board currently. Mayor Cronin said there are 5 members, plus an Administrative Law Judge. The Members include Jon Rackham, Bruce Howard, Kim Barnard, Mark Stratford (the Administrative Law Judge). She said that Jim Felix used to serve on the board but is planning to move, so we do have one opening. Mayor Cronin explained that the board meets once a year to review all business licenses that have special conditions. They then approve or deny the use/condition based off their review.

**MOTION:** Council Member Lewis made a motion to Reappoint Jon Rackham to serve as a member of the Special Uses and Appeals Board. Council Member Montgomery seconded the motion.

**ROLL CALL:** Council Member Taylor, Yes                      Council Member Montgomery, Yes  
Council Member Wright, Yes                      Council Member Tueller, Yes  
Council Member Lewis, Yes  
**Motion Approved.** 5 Yes, 0 No.

**D. BUSINESS LICENSE(S)**

- None.

**ITEM 3: PRESENTATIONS**

**A. BEAR RIVER HEALTH DEPARTMENT ANNUAL REPORT**

Allena Pierce gave the Bear River Health Department’s Annual Report (See attached). She detailed services offered by the department and provided the City with a Mental Health Resource Directory that can be kept at the city and used to assist the public in finding help that they may need.

**ITEM 4: PUBLIC HEARING AND/OR PUBLIC COMMENTS**

**A. PUBLIC COMMENTS**

**John Egan:** said he rents a house on 1000 West and 2840 South and asked why they do not have any snow removal on that road. He said the last snow storm he saw a snow plow driver come by one time and that was it. He said the time before that when the City got about 7 inches of snow they did not see any snow plow drivers service the street. Mayor Cronin said that at times it is all the City can do to keep the main corridor roads clear, but she will have the City Administrator and Public Works staff look into this.

**ITEM 5: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

Council Member Tueller asked if the payment to Utopia is a bond payment. Shanna Johnson said yes. He asked if the original payment on that was a bond that the City took. Mayor Cronin said that each City has their own individual bond and we are 1% of the whole Utopia. He asked what Perry City’s full portion of the bond is. Shanna Johnson said she would need to look up what the entire bond amount was, and this is also listed in the Financial Statement previously provided to the Council. He said so there was a base

payment and each year it goes up 3%. Shanna said yes. He asked the length of the bond. Shanna said she would get that for him.

Council Member Lewis asked what the audit services are. Shanna Johnson advised that last City Council meeting we had a Financial Audit report provided by Christensen, Palmer, and Ambrose and this pays for the Financial Audit Services they provided. She explained that the Accounting Services provided by Davis and Bott listed on the warrants was for the preparation of our Financial Statement.

Council Member Taylor asked if the Rocky Mountain Power bills are all for City properties. Shanna Johnson said yes.

Council Member Tueller asked if the City looks at the Accounting and Audit services every 3-4 years. Mayor Cronin said yes we typically go out to RFP (request for proposal) every 3-4 years. She said that we just renewed our contract with Davis and Bott.

**MOTION:** Council Member Lewis made a motion to approve the warrants. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Taylor, Yes                      Council Member Montgomery, Yes  
                    Council Member Wright, Yes                      Council Member Tueller, Yes  
                    Council Member Lewis, Yes

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

## **B. RESOLUTION 16-02 AWARDING CONTRACT FOR CITY LEGAL SERVICES**

Mayor Cronin reported that the City Council had the opportunity to talk with Craig Hall during the earlier work session meeting and she proposed that the City appoint and enter into a contract with Craig Hall for City Attorney Services. Council Member Lewis suggested noting the process we took to make this selection for the record. Mayor Cronin said that in late November or early December the City put out a RFP for a City Attorney position, we had several applicants apply and went through a process of about 6 weeks of following up on references, looking at different points, and negotiating. Greg Westfall also noted there were multiple interviews. Council Member Tueller asked how many applicants were interviewed. The Mayor and Shanna said there were about 6 applicants. Council Member Tueller asked if these were then narrowed down. Shanna said this was narrowed down to two applicants.

**MOTION:** Council Member Wright made a motion to approve Resolution 16-02 awarding the contract for City Legal Services to Craig Hall and allow the Mayor to negotiate the contract as so recorded. Council Member Montgomery seconded the motion.

**ROLL CALL:** Council Member Taylor, Yes                      Council Member Montgomery, Yes  
                    Council Member Wright, Yes                      Council Member Tueller, Yes  
                    Council Member Lewis, Yes

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

Mayor Cronin welcomed Craig Hall. Craig Hall thanked the Mayor and Council and stated he appreciates their trust and confidence.

## **ITEM 6: DISCUSSION**

### **A. MAPLE HILLS SUBDIVISION STREET LIGHTS**

Greg Westfall reported that with Maples Hills as with all subdivisions, there are requirements to meet in order to complete the subdivision. One of the requirements that

was not completed was the streetlights that need to be put up. There are three of them. He said that at the end of the construction of the subdivision the City did take the money out of escrow from the developer to cover the cost of installing the streetlights, now we need to finish the installation of the lights. He presented one estimate the City has been given from Black and McDonald. He said that the money collected from escrow is north of the bid amount and the City would use the necessary funds to install the streetlights and left over funds would go towards finishing any other improvements needed in the subdivision i.e. broken sidewalk, curb, etc. He said due to the amount needed to install the streetlights it will require Council approval. He said that staff is working on getting another quote to present to the Council, however it is a specified project and not a lot of companies will do the purchasing and install, but they will try to get something by next meeting. Council Member Taylor asked if there are no other bids forthcoming what happens. Greg said we asked that the current bid be approved. Council Member Taylor said that protocol states otherwise. Greg said that protocol is to try to get 3 quotes, but if we are unable to obtain three we will do the best that we can and at least try to get one other bid. Mayor Cronin said the good thing is that the bid that we do have is better than anticipated and will allow for left over funds to be put toward other improvements needed in the subdivision. Greg said the bid provided by Black and McDonald is only 60% of the Engineer's estimate and they are a company that specializes in this work. Council Member Tueller asked how the City got connected with this company. Greg said the City already has a connection with Black and McDonald as they maintain current streetlights (replacing light bulbs, etc.) in the City. Council Member Lewis asked how the placement and number of streetlights was determined. Greg said this is determined by engineers and they are listed on the subdivision plan or plat map. He said that the Engineer does not specify the exact corner but the general area and number needed. He said this particular subdivision requires 3 lights. He said that the City will work with our City Engineer to determine best locations looking at what will be the least invasive and most cost effective. Council Member Lewis asked if there are other neighborhoods in the City that should have lights but don't. Mayor Cronin said in the beginning when subdivisions started being put in the City, not all subdivisions were created equal (there was not a public works standard that required streetlights) and not all of the subdivisions were required to have streetlights. She said in the later 1990's and early 2000's is when the City put in place the subdivision protocols, one of which requires streetlights. Council Member Taylor asked what happens with the older subdivisions. Mayor Cronin said that as the City gets extra money these can be installed by the City.

#### **ITEM 7: MINUTES & COUNCIL MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)**

Mayor Cronin noted that Travis Coburn from the Planning Commission was present and asked if he had anything to report from Planning Commission or regarding the Large Animal Ordinance. Travis said that the Large Animal Ordinance is still in the works. He reported that there was a meeting with the Brigham Perry Joint Advisory Board regarding the 1100 South Development Area. He said that America First Credit Union has put in a new application to build a branch at 450 West and 1100 South in Brigham City. He said that this has been forwarded for review by the Brigham City Planning Commission. He said that in the last meeting they discussed the entrances to the location. Mayor Cronin thanked him for serving on the joint board and asked him to forward the City Council's appreciation to all the Planning Commissioners for all they do.

## **A. APPROVAL OF CONSENT ITEMS**

- **January 28, 2016 City Council Meeting Minutes** – Tabled

- B. MAYOR 'S REPORT:** Mayor Cronin reported that we had a very successful Utopia meeting last Thursday. She said she hoped to get 50 people to the town hall meeting and she was told that there was well over 200 people in attendance. She stated there was a very positive atmosphere at the meeting. She thanked Council Member Tueller and Montgomery for being able to make it to the meeting. She said that what we were able to present in the meeting is that Perry City will be the first Utopia member City to use the upgraded speed of 250mbg up/down and there will be a build out of the entire City, which means that anybody in the City who wants service will be able to have it. Mayor Cronin explained that the Southwest portion of the City will be phase 1 and will probably have access by March 15<sup>th</sup> or shortly thereafter and phase 2 of the City will have service by June 30<sup>th</sup>. She said the basic service is \$30 a month for the Utopia infrastructure to be brought into the home and then the fee from the service provider which would be another \$35 a month for just internet service. Residents can upgrade and add on telephone and video streaming as well. She said there are currently 9 qualified service providers which will provide competition and keep pricing low. She said that this is best of all worlds and the very best part is the services are totally optional. Only those who want the service will join in, noting there will be a 2 year contract with Utopia (if the resident chooses to do a monthly payment). If they do not like it they can stop services (after the two year contract expires). Council Member Tueller clarified that if the resident wants to pay for the infrastructure up front for the larger amount (of \$2,750) they only have to pay (the service provider) for service of \$35. Mayor Cronin confirmed this is correct. She said that if a resident pays the higher amount \$2,750 then he/she will own it for life. She said that this also includes any upgrades and maintenance as speeds gets faster. Council Member Tueller said when a resident purchases it; Utopia brings the service into the home. Mayor Cronin said that there are a couple things that need to happen in order for a resident to get the full speed; the resident will need to have a router capable of the speed and computer equipment also will need to be compatible for the speed. Mayor Cronin stated Perry City is the first City who has had these speeds available to subscribers (across the board) and the first City to be fully built out.

Mayor Cronin said we are starting to plan what we will be showing as the Fourth of July movie and organizing committees. She encouraged the Council to let her know where they would like to serve.

- C. COUNCIL REPORTS:** Council Member Tueller asked for a history of Utopia, what agreements were made and the background of the bond. He said he heard that the original agreement was back in 2002. He said there was a bond made and asked if there was a property tax increase associated with the bond. Shanna said when the bond passed originally she was not here so she is not sure if a tax increase was put forth to pay for the bond or not. Council Member Tueller said the member cities have subsidized the installation of the system that is how Utopia came together. He said he remembers the decision back then but was not sure of the funding. Mayor Cronin said there was a pretty healthy tax increase in 2007 and she is not sure if that was part of that increase. She said that when the original bonds were taken the cities were to get some federal funding from

Rural USDA funds that fell through. He said so as far as we know there was not a tax increase in 2002 but in 2007 there was. Shanna said that originally it was supposed to be funded by RUS (Rural Utility Service) she said that there was not any bond payments called until 2008 and then there was a refinance of the bond. She said that did become part of the general fund budget and that was part of a property tax increase that took place at that time. Council Member Tueller said so there was a property tax increase when the bonds were called. Shanna advised that this is not the only reason for the increase in taxes. She stated the recession set in at the same time and there were a lot of different reasons for the tax increase. Council Member Tueller asked if that is how this works in most cities when you set up an infrastructure such as this, you set up a bond and six years later the bond comes due. Mayor Cronin said that the City has a couple different bonds and each is a little different. She said she was not on the Council when the city took on the Utopia bond, but as she understands, the City thought the Federal Government was going to pay for the infrastructure and when this did not happen the bonds were called. She said the Cities did not have the option of not paying the bond or it would have impacted their credit rating. Council Member Tueller asked if there is a way to find out more about the history. He said that he is excited that we do not have to raise anything to bring the service and he wants to make that fact public. He said there are a lot of people who do not fully understand and he wants more information. Mayor Cronin said what would be best would be for Council Member Tueller meet with Shanna. Shanna said we can get the file out and take a look at the history.

**D. STAFF COMMENTS:** No Comments.

**E. ITEMS FOR NEXT NEWSLETTER**

- None.

**ITEM 8: EXECUTIVE SESSION** – No Executive Session took place.

**ITEM 9: ADJOURNMENT**

**MOTION:** Council Member Wright made a motion to adjourn the council meeting.  
**Motion Approved.** All Council Members were in favor.

The meeting adjourned at 7:41pm.

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Susan Obray, City Recorder

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Karen Cronin, Mayor

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Shanna Johnson, Chief Deputy Recorder