

OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting.
Peter Gerlach, Esther Montgomery, Todd Christensen, Brady
Lewis, Jana Nelson

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Malone Molgard, City Attorney

OTHERS PRESENT: Lani Braithwaite, Ken Bunce, Blake Ostler

ITEM 1: CALL TO ORDER

Mayor Cronin called the meeting to order.

A. INVOCATION

Council Member Christensen offered the invocation.

B. PLEDGE OF ALLEGIANCE

Shanna Johnson 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 Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 2: EXECUTIVE SESSION

MOTION: Council Member Gerlach made a motion to close the Public Meeting and go to
Executive Session to discuss character and fitness of an Individual and potential litigation.
Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

The Public Meeting closed at approximately 8:07pm.

MOTION: Council Member Gerlach made a motion to close the Executive Session and reopen the Public Meeting. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Council Member Nelson, Yes
Council Member Montgomery, Yes
Council Member Lewis, Yes
Motion Approved. 5 Yes, 0 No.

The Public meeting reopened at approximately 8:22pm.

ITEM 3: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

Shanna Johnson passed out the warrants.

C. BUSINESS LICENSE(S)

- Knooby LLC

Mayor Cronin explained this business will provide online catalog sales, including furniture. It will have visiting clientele but is in the commercial zone. Council Member Lewis asked where this is located. Shanna Johnson said it is in on Highway 89, in the commercial building located in the Barto PUD (previously a tanning salon).

MOTION: Council Member Montgomery made a motion to approve the business license for Knooby LLC. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Council Member Nelson, Yes
Council Member Montgomery, Yes
Council Member Lewis, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARING

A. PUBLIC HEARING ORDINANCE 15-E AMENDING THE CITYADMINISTRATOR JOB DESCRIPTION

MOTION: Council Member Nelson made a motion to open the public hearing regarding Ordinance 15E. Council Member Montgomery seconded the motion

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Council Member Nelson, Yes
Council Member Montgomery, Yes
Council Member Lewis, Yes
Motion Approved. 5 Yes, 0 No.

Mayor Cronin advised that changes to the job description include:

- Removing pay details and listing this pay range in the City Staff Pay table
- Adding language requiring the employee to live within a 30 minute response time.
- Adding language that requires the City Administrator obtain written approval from the Mayor and Council prior to accepting outside employment or contract work.

No public comments were made.

MOTION: Council Member Christensen made a motion to close the public hearing. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
 Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

B. PUBLIC COMMENTS

Mayor Cronin opened the meeting for public comment.

No public comments were made.

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

Council Member Christensen asked if all the electrical work scheduled to be completed by I.C.E. Electric has been completed. Shanna Johnson confirmed that he work was complete.

MOTION: Council Member Christensen made a motion to approve the warrants. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
 Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

B. ORDINANCE 15-C ADOPTING THE 2015 PERRY MUNICIPAL CODE

Mayor Cronin said that this has been discussed in prior meetings and the question has been whether to adopt the code, although there may be holes or to hold off on adopting the code until these holes could be addressed. She said that it has become apparent over the last couple of weeks that it would be better to adopt the new code first, then go in and resolve any holes in the code, because the numbering system is different and will affect any new codes passed. She recommended approving the new 2015 code and then work to resolve any issues.

Council Member Christensen asked if there are previously adopted Ordinances found later that are not included the code, will the City need to restart the process to approve the Ordinance as part of the code. Malone Molgard said yes, the City would need to restart the process, conduct the proper public hearings, and adopt the Ordinance as part of the City code.

Council Member Montgomery said that over the last few months she has done some research and updated the Sign Ordinance to define the Community Development department. The changes have been incorporated in the 2015 Municipal Code that is presented for approval tonight. Mayor Cronin said that the language included is what was approved in the City Council meeting therefore it can be added to the 2015 Municipal Code prior to approval. All new changes after the code is adopted will be required to go through a full process of review prior to adoption and addition to the code.

Malone explained if you adopt the code tonight it will adopt all codes presented in the 2015 Municipal Code currently. He stated that there is also a Repealer that will repeal any codes previously adopted.

Mayor Cronin said the main reason for approving the code tonight would be to bring on the new numbering system.

Shanna Johnson said that the current code adopted and codified, that the City has been working with since 2010 also does not include the Flag Lot Ordinance. So this Ordinance already required a full review and adoption process.

MOTION: Council Member Christensen made a motion to approve Ordinance 15-C Adopting the 2015 Perry Municipal Code. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Council Member Nelson, Yes
Council Member Montgomery, Yes
Council Member Lewis, Yes
Motion Approved. 5 Yes, 0 No.

C. ORDINANCE 15-E AMENDING THE CITY ADMINISTRATOR JOB DESCRIPTION

Council Member Gerlach asked about item 6 listed under section 2.05.030, stating we have had issues in the past with the City Administrator also filling the role of City attorney. He explained that he feels that the City Administrator Acting as an Attorney would give legal review on policies that he creates, and this would be a conflict of interest. He asked this be struck from the Ordinance. Council Member Montgomery and Lewis agreed that this should be removed from the job description.

Council Member Montgomery suggested changes to section 2.05.040 Limitations of the Ordinance. She advised that the Utah Codes annotated in the document are no longer current or valid Utah Codes. She suggested striking the sentence *"This chapter only serves to create a new office as authorized by Utah Code Annotated §10-9-901"*, and suggested updating the

next code listed to Utah State Code 10-3b-103, which refers to forms of government. Council Member Montgomery also recommended removing the words “as soon as possible” from the section. She stated she feels that this mandates the position be filled and she feels that this should be up to the current governing body. Council Member Lewis agreed with the changes and said he felt the term “as soon as possible” was vague and left opportunity for interpretation. Council Member Christensen said he agreed with the first two suggested changes made by Council Member Montgomery, but would leave the words “as soon as possible”.

MOTION: Council Member Montgomery made a motion to approve Ordinance 15-E Amending the City Administrator Job Description with the following amendments:

- Strike item #6, listed in section 2.05.030, referring to a licensed attorney;
- Strike sentence in the Limitations section 2.05.040 referring to an obsolete Utah Code;
- Modify the Utah State Code referring to forms of government to the correct Utah Code 10-3b-103; and
- Remove the words “as soon as possible” from the limitations section 2.05.040.

Council Member Lewis seconded the motion.

DISCUSSION: Council Member Christensen clarified Council Montgomery’s comments regarding removing the words “as soon as possible”, stating she commented that this would allow for future governing bodies to not fill this position if they don’t feel a need to fill it. Council Member Montgomery agreed that this is her understanding, stating that there may be a governing body in the future that will not feel the need for this position. She said that this should be up to the governing body and not mandated by an Ordinance.

Council Member Lewis said he looks at our current situation as a good case to point to, as we have not filled the position as soon as possible, and questioned what is as soon as possible. He said he feels it is arbitrary.

Mayor Cronin said she does not feel one way or another about the change and does not think that this change removes the intent of this ordinance. This Ordinance defines the duties of the position and allows the City to move forward with their goal of hiring a City Administrator.

Council Member Christensen said he is unaware of any other job description has the statement “shall be filled as soon as possible in it” and questioned why this one has it listed. He said he feels it needs to be filled, and did not see why the position would not be filled. He said if someone leaves typically a position is posted and filled. Council Member Montgomery said that is probably what would happen.

Mayor Cronin again stated that she does not feel that this change adds or detracts any of the intent of this Ordinance and position. She then asked for a vote from the Council.

ROLL CALL: Council Member Christensen, No
Council Member Gerlach, No
Council Member Nelson, Yes
Motion Approved. 3 Yes, 2 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

C. RESOLUTION 15-02 AMENDING STAFF PAY SCALE

Mayor Cronin stated that the pay for the City Administrator has been removed from the job description and will be added to the staff pay scale through this Resolution. She said per the direction from the Council at the last meeting, the pay range was to be listed from \$40,000 to \$65,000. She said that the pay scale will also list some of the summary qualifications for the position. She asked if the Council had any questions. There were none.

MOTION: Council Member Christensen made a motion to approve Resolution 15-02 Amending the Staff Pay Scale. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

E. RESOLUTION 15-03 APPROVING A CITYADMINISTRATOR EMPLOYMENT CONTRACT

Mayor Cronin said that the contract was sent to the Council this morning. She said that she spent Friday and Monday negotiating the terms. She asked if the Council had any questions regarding the contract.

Council Member Christensen asked about the early termination clause in paragraph three, which states:

'If the Employee resigns or otherwise terminates the contract previous to the three (3) year contract duration then the Employee shall not be entitled to or given the one (1) month severance package and will not be eligible for accrued vacation pay.'

Council Member Christensen said that he is not comfortable with voiding all vacation. He said if this is notice properly and all on the up and up he would not want to penalize the employee by taking all accrued vacation. Mayor Cronin suggested changing the language to read that accrued vacation may be taken. Council Member Christensen agreed with this amendment.

Mayor Cronin asked for any other input. Council Member Christensen asked if the negotiations were completed by phone with the employee. Mayor Cronin said yes, that she invited the individual to the City last Thursday, he interacted with staff, he got a little background with the City and they began negotiations. He said that these negotiations were completed last night. She said that the individual is amenable to the terms and she

believes it protects the City. She said that Malone Molgard and Shanna Johnson also provided input regarding the contract.

Council Member Christensen made note that the new employee will need a computer device. Mayor Cronin said that she talked with him about this and he preferred a lap top. She said that this will be ordered as soon as we can. She said that we have installed furniture in the office.

Council Member Christensen said he is comfortable with the contract.

Council Member Lewis confirmed that the individual has given a head nod to the contract. Mayor Cronin said yes.

Council Member Christensen asked what his availability is. Mayor Cronin said that the contract is set to start April 1st, but if needed he may work some hours as a 1099 employee.

MOTION: Council Member Christensen made a motion to accept Resolution 15-03 Approving a City Administrator Employment Contract. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
 Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

F. CDBG APPLICATION

Mayor Cronin said that she and Shanna Johnson have been working to collect surveys for the project area. Shanna reported that the survey must be completed by March 31st and if qualified we will submit this and move forward in the application process. She advised that the City needs to collect 12 surveys from the 2700 South area. She said that we are waiting for 3 replies and we need at least 1 more in order to meet the required 80% response. She said that 51% of that group must fall within the Low to Moderate Income (LMI) level in order for the project to qualify for CDBG funding. Shanna advised that if this project area does not meet the required LMI percentage we may be scrambling to complete a new survey for a different project area.

Mayor Cronin asked that the Council get to her any availability the Council has to help with a new survey if needed.

No Action taken.

G. APPOINTMENTS CITY BOARDS

Mayor Cronin said we need to make appointments to the Planning Commission. She recommended Blake Ostler and Mark Lund be moved to full members and Lawrence Gunderson be added as an alternate Planning Commission member.

MOTION: Council Member Lewis made a motion to approve the Mayors recommendation and move Blake Ostler, and Mark Lund from alternate to full Planning Commission Members and add Lawrence Gunderson as an alternate Planning Commission Member. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
 Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

Mayor Cronin reported that she received a letter from Doug Longfellow notifying us that he is moving out of the City and can no longer serve as the Chairman of the Planning Commission. She said at the Planning Commission last week it was recommended that we appoint Vicki Call as the Planning Commission Chairman, and Blake Ostler be appointed as Vice Chairman. Mayor Cronin said she is presenting this recommendation with her endorsement.

MOTION: Council Member Lewis made a motion to approve the Mayor's recommendation and appoint Vicki Call as the Planning Commission Chairman and Blake Ostler as the Planning Commission Vice Chairman. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
 Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

Mayor Cronin advised that she received a notice from Paul Nelson resigning from the Wastewater Treatment/Sewer Facility Board due to health issues and stated the City needs to appoint a new member to serve on the board. She asked for thoughts from the Council. Council Member Christensen asked if term limits have been discussed. Mayor Cronin said that we can decide the term limit for our Board Members, but the terms of all board members will be an interlocal item and our recommendation is 2 years. She recommended appointing a Council Member at this point, as she has not had a chance to talk with any other citizens. Council Member Christensen suggested an interim appointment. The Mayor agreed that this should be an interim appointment maybe through the end of July. Council Member Christensen asked if the resignation was effective immediately. Mayor Cronin said yes. Council Member Lewis recommended Council Member Montgomery as an interim board member, stating that he thinks she would do a great job. Council Member Montgomery said that she would be willing to serve and would have the time to meet the scheduled meetings. Mayor Cronin said that they are holding the meetings on Mondays and 5pm. Council Member Nelson agreed that Council Member Montgomery would be a good fit. Mayor Cronin said that Council Member Christensen has been assigned to attend those meetings as the City Council Representative and she hoped that he could continue to attend meetings as time allows. He agreed to continue in this effort. Mayor Cronin stated she supported the recommendation to appoint Esther Montgomery to serve on the Waste Water Treatment Facility Board for an interim amount of time.

MOTION: Council Member Gerlach made a motion to appoint Esther Montgomery to serve as an interim member of the Sewer Facility Board. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 6: COUNCIL/MAYOR REPORTS

Council Member Montgomery asked how the 4th of July planning meeting went. Mayor Cronin said it went well. She said we may need a chairman for the parade. She said the race chairman Andrew Singleton is still planning to assist with the race. Monica Taylor will work with the First Responders on the breakfast and fireworks. Mayor Cronin advised that we need a group to handle the kids games.

Mayor Cronin reported that the National Honors Society has offered to help with the Easter Egg Hunt. They want to help stuff and hide eggs. She asked Council Member Montgomery if this would be okay. Council Member Montgomery was happy to receive the help.

Mayor Cronin asked that the Easter Egg hunt be noticed in the newspaper. Council Member Montgomery asked that it also be reported on Facebook.

ITEM 7: EXECUTIVE SESSION

MOTION: Council Member Christensen moved to close the Public Meeting and open an Executive Session to discuss possible litigation and character and fitness of an individual. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

The Regular Public meeting closed at approximately 9:03pm.

MOTION: Council Member Christensen moved to close the Executive Session and return to the Public Meeting. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
Council Member Gerlach, Yes Council Member Lewis, Yes
Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

The Regular Public meeting reopened at approximately 9:34pm. Mayor Cronin announced that the next meeting will be on April 2, 2015 with a work session at 6pm prior to the regular meeting (starting at 7pm).

ITEM 9: Adjournment

MOTION: Council Member Nelson made a motion to adjourn the council meeting.

Motion Approved. All Council Members in favor.

The meeting adjourned at 9:35pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder