

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

OFFICIALS EXCUSED: Jana Nelson

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

OTHERS PRESENT: Lani Braithwaite, Bryce Thurgood, Taylor Johnson, Kenzie Stacey, Taylee Bullard, Tamara Armistead, David Armistead, Lee Perry

ITEM 1: CALL TO ORDER

Mayor Cronin called the meeting to order.

A. INVOCATION

Mayor Cronin offered the invocation.

B. PLEDGE OF ALLEGIANCE

Shanna Johnson led the audience in the Pledge of Allegiance.

C. REVIEW AND ADOPT THE AGENDA

Mayor Cronin suggestion to split the Executive Session as there are some items they may need to be discussed before Item 4.

MOTION: Council Member Montgomery made a motion to approve the agenda with the amendment that the Executive Session be split with a portion of the Executive Session taking place prior to Item 4 to discuss strategic bargaining and character and fitness of an individual. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

ITEM 2: 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)

- None

Mayor Cronin introduced Bryce Thurgood to the Council and advised that she will be recommending him to be appointed to the Flood Control District later in the meeting.

ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARING

A. PUBLIC HEARING REGARDING ORDINANCE 15-I REMOVING THE PERSONNEL POLICY (TITLE 3 MUNICIPAL PROCEDURES) FROM THE MUNICIPAL CODE

Mayor Cronin explained that this Ordinance will remove the Personnel Policy from the Municipal Code. The City will still have a personnel policy but it will be an internal policy updated by Resolution, which will give more flexibility to make needed changes. Council Member Christensen asked if there are any ramifications with taking an item from the code and making it a Resolution. Malone Molgard said that currently every time there are changes made to the Personnel Policy there has to be an Ordinance change which can become cumbersome. He said most cities do not have their personnel policies in their code. Removing this from code will allow for updates to be made by Resolution making it less cumbersome, this doesn't change anything legally.

MOTION: Council Member Gerlach moved to open a public hearing to discuss Ordinance 15-I. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

No comments made.

MOTION: Council Member Christensen made a motion to close the public hearing regarding Ordinance 15-I. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

B. PUBLIC COMMENTS

Tamara Armistead (1850 S 75 E): stated she is very unhappy about a building permit that has been issued to Albert Hammers to build a pole barn. She said that the whole selling point of the subdivision was lots with a view and this building will obstruct her view. She said she cannot believe that a building of this type would be allowed in a neighborhood. She asked if the building would violate the zoning. She said that you are supposed to have a permit prior to installing utilities but he began installing utilities without it. She asked what can be done to change the zoning. Mayor Cronin said staff will look into the concern and get back with her.

Lani Braithwaite: thanked the city for grading her road (3450 South) but said it rained and it will need to be graded again.

EXECUTIVE SESSION

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

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

The Regular Public meeting closed at approximately 7:15 PM.

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

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

The Regular Public Meeting resumed at approximately 7:46PM

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

MOTION: Council Member Lewis 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
Motion Approved. 4 Yes, 0 No.

B. ORDINANCE 15-I REMOVING THE PERSONNEL POLICY (TITLE 3 MUNICIPAL PROCEDURES) FROM THE MUNICIPAL CODE, CLASSIFYING IT AS AN INTERNAL POLICY

Council Member Christensen asked that we require a revision date be listed on the Personnel Policy to identify when the last time changes were made. Shanna said that the City already lists the revision date and that she will continue to do this.

MOTION: Council Member Christensen made a motion to approve Ordinance 15-I Removing the Personnel Policy from the Municipal Code, Classifying it as an Internal Policy. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

C. RESOLUTION 15-07 AMENDING VARIOUS SECTIONS IN THE PERSONNEL

Mayor Cronin stated that the Council has been reviewing these policies for 9 months. In this review there have been surveys of other cities and what their policies are. She said she sent out a summary of the survey results. Mayor Cronin said the sections proposed for amendment include:

- On Call
- Sick Time Carry Over Hour Accrual
- Updating the policy to the Utah Clean Air Act
- Defining Operating Hours
- Employee Recognition Lunch Hours
- Vacation Time
- And Other Timekeeping details

Mayor Cronin said that the proposed changes were based on survey. She stated that Perry City is not proposing the low end of the survey; most of the time-off benefits are still at the high end or just below the high end.

Mayor Cronin noted that the City has covered health care benefit increases over the last 5 years to the tune of about 25%. She said that this has been absorbed as the City felt this is a great benefit to the employees as these increases would affect the employees take home pay.

Mayor Cronin said the proposed changes are both fair to the employees and the citizens. She said the Council Member Montgomery did a great job gathering surveys with the assistance of Shanna Johnson.

Council Member Lewis said asked about the provision within the policy which lists Exempt Employees and Department Heads are terminable at-will. He said that the sentence seemed a bit brutal and that it was not what the City was going for. Shanna Johnson advised that this provision is not new that it was placed into policy back in 2007. It outlines employees who would be considered at will which are those who are newly hired, who are exempt, or who are department heads. She said that Utah is an at-will state, but as a government entity we are required to give due process prior to any termination. She said that this could be removed, but that would be a change that would need to be added to the proposed amendments.

Council Member Lewis said he has other concerns regarding the policy and recommended tabling this and talking about some more.

Council Member Gerlach stated that most of this has been discussed in the past. He said he does not see any problems with the proposed changes.

Council Member Christensen asked why Pioneer day is not listed as a holiday. Shanna Johnson advised that it is listed as an optional floating holiday each year and historically has been selected by employees each year.

Council Member Christensen said he would like to discuss benefit hours and wanted to know if it would be possible to grandfather veteran employees into the existing policy.

Shanna Johnson said that grandfathering has been offered on a past policy dealing with benefits. It was offered to all employees hired at that time and the new policy only affected newly hired employees. She said it seemed arbitrary to grandfather only a certain group of employees she recommended grandfathering all current employees if this was to be offered. He said that he feels that those who have been here or are approaching 15 years will have their vacation benefits cut. This has been a carrot dangling there for them and it would be difficult to work so many years for the City and have this benefit reduced. He said that we want to be sensitive to those employees with tenure. Mayor Cronin agreed that we want to be sensitive to the employees and the City is trying to do this with benefit increases and continuing to load Health Care Saving Accounts. She said the problem now is that there is so much vacation offered that employees are having a hard time using it prior to the end of the year. She said that there is somebody off every day from now to the end of June. She said that the proposed plan will still offer a generous amount of time while being fair to the citizens and will allow the city to continue to cover benefits increases.

Shanna advised that this policy will affect everyone, for example in two years she would graduate to the higher bucket; if this proposed change is approved she will be affected. Those who are currently receiving the higher vacation benefits have had the opportunity to receive these higher benefit hours that she will never have the opportunity to receive. Shanna said that it could be perceived negatively by current staff members if only certain employees are grandfathered and recommended grandfathering all current employees if this option is considered. Council Member Christensen said that he believes that the State has done this in the past for certain benefit changes. Shanna agreed that the State did grandfather the Utah Retirement System by hire date offering Tier 1 benefits to employees hired by a certain date and the Tier 2 system to newly hired employees.

Council Member Christensen said that he does understand the time off issue and people scrambling to use time at the end of the fiscal year. He said that this should be controlled by management. Shanna agreed and said that although this issue could easily be addressed by management it rarely is.

Mayor Cronin asked Greg Westfall for his thoughts. Greg said that he comes from a different perspective on this issue. He said that 168 hours is 21 working days. He said that is over an entire month off, plus employees get holiday time on top of the vacation benefits. He said he believes that this is plenty of time off. He said that he is the one that suggested that he as an employee would rather have insurance benefits covered than more vacation time if there was a choice between the two because it affects take home pay. He said that anytime benefits are changed that it is a difficult thing for employees, but agreed with the Mayor that it will be the least challenging time to make the change.

Council Member Montgomery stated that the proposed changes are based on survey and are being proposed because they fit with the other cities, demographics and they are competitive. She said most cities at 15 years only offer 160 hours and we will offer 168 hours of vacation pay. She suggested the section dealing with working hours, paragraph 2 be reworded as follows:

Hours reported on timecards exceeding 40 hours in a week or 80 hours in a 2 week period must be hours worked and should be approved by the Mayor prior to the work being performed.

She said this change will remove the reference to public safety verses non-public safety employees and will make this section less confusing.

Council Member Montgomery recommended restricting lunch periods to be no longer than 60 minutes. Shanna stated that at time employees may take vacation to extend a lunch period to take care of personal business and she would not recommend restricting this as this unpaid time and would need to be scheduled through their manager.

Council Member Montgomery recommended striking the word “working” from the second sentence in paragraph 2 under the On Call policy as the employee is not actually working, but on standby. The sentence will read as follows:

Employees on call will be paid one hour per day, up to 4 hours per week of on call duty at their regular rate of pay.

Council Member Christensen asked if there is a time constraint on this. Mayor Cronin said that portions of the policy will affect budget and that is why this has been discussed over the last few months.

Council Member Christensen said one topic of discussion in the past was implementing a time keeping system so that one system was being used across the board. He asked if this came into play at all. Shanna said that would not impact the policy. She said that in the past we have tried to budget for a new timekeeping system, but other needs have come up that have taken priority such as the wiring in the building failing and the newly acquired land in the Pointe Perry commercial area. Council Member Christensen stated that there have been issues in the past that he feels a timekeeping system would address. Shanna said that the proposed policy changes address many of the issues from the past as a lot of them had to do with identifying the work week which has been addressed in the changes. She said that she agrees that a uniformed timekeeping system would help as well and hopes that this can be budgeted in the upcoming year.

MOTION: Council Member Montgomery made a motion to approve Resolution 15-07 Amending Various Sections of the Personnel Policy with the recommended changes noted tonight.

Motion failed due to lack of a second.

Council Member Lewis said that there are a lot of changes being proposed and he would like more time to review this. Council Member Montgomery asked if Council Member Lewis would like to suggest a work session to discuss. He said yes. Council Member Christensen stated he could table it until the next Council meeting.

MOTION: Council Member Lewis made a motion to table Resolution 15-07 until the next scheduled meeting on June 4, 2015. Council Member Christensen seconded the motion.

DISCUSSION: Mayor Cronin asked what will be discussed at the work session. Council Member Lewis said he just got the document 2 days ago and he would like more time to review this. Shanna Johnson said she believes that this document was released to the Council as part of the May 7, 2015 City Council packet.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

D. APPROVAL OF EMPLOYEE CLASSIFICATION CHANGE

Mayor Cronin said that this item would be dealing with a classification change regarding the Police Chief position to be moved from non-exempt to exempt. She explained that in the past the Police Chief was an exempt position. It was changed to allow for a patrolling or working Chief. In the last couple of years Perry City has not needed a working Chief therefore a status change is requested. Mayor Cronin stated that the salary being proposed for this position with the status change is \$61,796.80, which is within the pay range and at the same level the previous Chief was at. She said that it states within the personnel policy that we can change classifications with a written notification by the Mayor and City Council. Council Member Christensen stated he appreciated the memo regarding this item which provided details of the classification change. Council Member Christensen stated that there are some issues regarding volunteer time and asked if this would be addressed now or at a later time. Shanna stated that this item will require approval by the Council and will come to the Council at a later date as a warrant. Malone Molgard agreed.

MOTION: Council Member Christensen made a motion to approve the classification change for the position of Police Chief going from non-exempt to exempt. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

E. APPROVAL OF POLL WORKERS FOR THE 2015 MUNICIPAL ELECTIONS

Mayor Cronin reviewed the recommended Poll workers:

David Curtis
Jolene Eddington
Sherie Holst
Vivian Schramm
Natasha Tilley

Council Member Christensen asked if a flat fee is paid to each poll worker. Shanna said she believes so, but she is not sure of the amount. She said they will also be paid for training. She said that there is budget to cover these fees.

MOTION: Council Member Lewis made a motion to approve the Poll Workers for the 2015 Municipal Elections as presented. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

F. APPROVAL OF POLLING LOCATIONS FOR THE 2015 MUNICIPAL ELECTIONS

Mayor Cronin advised that the suggested polling location is Three Mile Creek Elementary.

MOTION: Council Member Gerlach made a motion to approve the polling location for the 2015 Municipal Elections as Three Mile Creek Elementary. Council Member Montgomery seconded the motion.

DISCUSSION: Council Member Christensen asked if our City Recorder (Susan Obray) had contacted the school to ensure its availability. Shanna Johnson confirmed that Susan Obray contacted the school and recommended this polling location.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

G. APPOINTMENTS CITY BOARDS

Mayor Cronin presented the following names to be appointed to the following City Boards:

- Bryce Thurgood - Flood Control District
- Toby Wright – Planning Commission (alternate member)

MOTION: Council Member Gerlach made a motion to approve the appointments of Bryce Thurgood to the Flood Control District and Toby Wright as an alternate member to the Planning Commission. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

H. APPROVAL OF SHOOTING RANGE NAME CHANGE TO THREE MILE CREEK SHOOTING SPORTS COMPLEX

Mayor Cronin said that the final action item will be the approval of a name change for the Three Mile Creek Shooting Range to the Three Mile Creek Shooting Sports Complex.

MOTION: Council Member Christensen made a motion to approve Item 4H. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes
 Council Member Gerlach, Yes Council Member Lewis, Yes
Motion Approved. 4 Yes, 0 No.

ITEM 5: PRESENTATION

A. TOUR OF UTAH

Mayor Cronin explained that this is a bike race coming in on August 4th. There will be some County money to help promote it and the city has also budgeted some money. She showed the 2014 Tour of Utah Recap video. Mayor Cronin said Greg Westfall, Shanna Johnson and herself will be working on a plan to highlight our City and will come to the Council periodically with updates and to get input.

B. PLAY UNPLUGGED

Mayor Cronin explained the Pay Unplugged Plan to the Council which is a program to promote kids to get out and do activities over the summer. Perry City will be supporting the Swimming Brag tag. Youth can present collected tags to the Chamber of Commerce during Peach Days to be entered into a drawing.

Council Member Christensen asked the age. Malone advised that it will be given out to the Elementary and Intermediate Schools. He said siblings not in these schools can also participate.

Council Member Christensen asked what the dates are for the program. Mayor Cronin said this will start on Memorial Day.

ITEM 6: DISCUSSION ITEMS

A. FY2015 BUDGET DISCUSSION – POSSIBLE AMENDMENTS

Shanna Johnson suggested amendments to the Police and Administration departments for Fiscal Year 2015 to ensure that we have 5% held for year-end adjustments. She said this can be taken from other areas that have over 5% remaining.

B. FY2016 BUDGET DISCUSSION – PAY, BENEFITS & ADJUSTMENTS

Mayor Cronin explained that it has been budgeted for 0-3% pay increase based on performance and there will also be increases given for job related certifications. Council Member Christensen asked if performance reviews are complete. Shanna said that these are not yet complete but will be completed in June.

Mayor Cronin reported that there is a 5% increase in health care that the City will be covering at the same level as in the same current plan year and the City is planning to contribute to the Health Care Savings or Reimbursement Accounts at the same level as this current Fiscal Year.

Mayor Cronin said the budget also now includes contributing \$25,000 toward a joint fire facility. Council Member Christensen asked if this is in a Capital Projects Fund. Shanna confirmed that it is. She said that the departments identified cuts that they were comfortable with to help make this happen and these have been made as noted in the budget workbook.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **APRIL 16, 2015 WORK SESSION MINUTES**
- **APRIL 16, 2015 CITY COUNCIL MEETING MINUTES**

Council Members Christensen made a grammatical correction to the City Council Work Session minutes.

MOTION: Council Member Montgomery made a motion to approve the meeting minutes for the April 16, 2015 Work Session with the submitted (grammatical) correction. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Montgomery, Yes

Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Lewis, Yes

MOTION: Council Member Lewis made a motion to approve the meeting minutes for the April 16, 2015 City Council Meeting. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

B. Todd Christensen: said that there are some flood drains that are overloaded and asked if this is being addressed by Public Works. Mayor Cronin advised that these are UDOT drains and they will be contacted.

C. Peter Gerlach: nothing reported.

D. Jana Nelson: Absent.

E. Esther Montgomery: nothing reported.

F. Brady Lewis: nothing reported.

G. Mayor Cronin: advised that the Fourth of July activities list will be sent out in the Newsletter and there is a possible added Pickle Ball event and there will also be a firefighter water spray.

H. ITEMS FOR NEXT CITY NEWSLETTER

- **Fourth of July Activities**

ITEM 8: EXECUTIVE SESSION

MOTION: Council Member Montgomery moved to close the Public Meeting and open an Executive Session to discuss potential litigation. Council Member Christensen seconded the motion.

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

The Regular Public meeting closed at approximately 9:00pm.

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

ROLL CALL: Council Member Christensen, Yes
Council Member Gerlach, Yes
Motion Approved. 4 Yes, 0 No.

Council Member Montgomery, Yes
Council Member Lewis, Yes

The Regular Public meeting reopened at approximately 9:16pm.

ITEM 9: Adjournment

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

The meeting adjourned at 9:17pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder