

Thursday, April 2, 2015
PERRY CITY COUNCIL AMENDED MEETING AGENDA
(Moving Previous Item 4E to 6A)

The Perry City Council will hold a meeting on the Thursday identified above, starting at approximately 7:00 PM after a 6:00 PM Work Session, in the City Council Room at 3005 South 1200 West in Perry. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

Approx. 6:00 PM
Budget Work Session

- A. FY2015 Budget Possible Amendment
- B. FY2016 Budget Planning

Approx. 7:00 PM

1. Call to Order and Opening Ceremonies

- A. Invocation – Brady Lewis
- B. Pledge of Allegiance – Peter Gerlach
- C. Review and Adopt the Agenda

2. Procedural Issues

- A. Conflicts of Interest Declaration(s), If Any
- B. Pass out Warrants to Council Members (and Possible Discussion)
- C. Business License(s):
 - Chooters
 - Riley's Farm Fresh

3. Approx. 7:15 PM – Public Hearing and/or Public Comments (No Vote Needed)

Rules: (1) Please Speak Only Once (Maximum of 3 Minutes) per Agenda Item; (2) Please Speak in a Courteous and Professional Manner; (3) Do Not Speak to Specific Member(s) of the City Council, Staff, or Public (Please Speak to the Mayor or to the Council as a Group); (4) Please Present Possible Solutions for All Problems Identified; (5) No Decision May Be Made During this Meeting if the Item Is Not Specifically on the Agenda (with Action on Public Hearings, if any, later in the Meeting); and (6) Comments must be made in person or in writing (with your name being stated for the record).

- A. Public Comments
- B. Public Hearing Regarding Ordinance 15-G Council Rules and Procedures

4. Approx. 7:25 PM – Action Items (Roll Call Vote)

- A. Approval of the Warrants
- B. Ordinance 15-G Council Rules and Procedures
- C. Resolution 15-04 Interlocal Agreement with Brigham City for Fire Services
- D. Resolution 15-05 Interlocal Agreement with Brigham City for Burn Permits
- E. Final Approval of Taylor's Cove Subdivision (All Phases)
- F. Approval of Funding for Participation in the Upsize of the Taylors Cove Water Main

5. Presentations

- A. Willard Spur Update by Jerry Nelson

6. Approx. 8:10 PM – Discussion Items

- A. Ordinance 15-H Fire Service Billing Procedures
- B. FY2016 Budget Preparation – Department Budget Requests
- C. Fourth of July Assignments
- D. FYI New Full-Time Police Officer
- E. CDBG Grant Update

F. Park Rental Procedures

7. Approx. 8:35 PM – Minutes & Council/Mayor Reports (Including Council Assignments)

No Council Action May be Taken if an Item is not specifically on the Agenda

A. Approval of Consent Items

- March 5, 2015 City Council Work Session Minutes
- March 5, 2015 City Council Meeting Minutes

B. Todd Christensen: Mayor Pro-Tem, Information Technology, Telecommunications, UTOPIA, WWTP

C. Peter Gerlach: Streets, Street Lights/Signs, Transportation/UTA, Youth Council, Emergency Services/First Responders

D. Jana Nelson: Flood Control Board, Culinary Water, Mosquito Abatement, Cemetery Location

E. Esther Montgomery: Parks & Trails, Community Outreach, Fourth of July Co-Chair, Storm Water

F. Brady Lewis: Police/Night Out Against Crime, Economic Development, Planning Commission

G. Mayor Cronin: Chief Executive Officer, Fourth of July Chairman, Emergency Services Coordinator, City Ambassador

H. Items for Next City Newsletter

8. Items for Future Meeting

9. Approx. 9:15 PM-Executive Session if needed

10. Approx. 10:00 PM – Adjournment (next regular meeting on Thurs., April 16, 2015 at 7:00PM, after a 6:00PM Budget Work Session)

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each Member of the City Council and was posted in three locations at the Perry City Offices, as well as at the Dale Young Park and main Perry City Park, and was faxed to the Ogden Standard-Examiner and Box Elder News Journal on this 27th day of March, 2015. Any Individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, Chief Deputy Recorder

Report Criteria:

Detail report.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Compressor-Pump & Service, Inc.								
11923	Compressor-Pump & Service, Inc.	0148032-IN	Trouble Shoot, Repairs	01/31/2015	4,019.41	4,019.41	03/12/2015	
Total Compressor-Pump & Service, Inc.:					4,019.41	4,019.41		
Municipal Code Online, Inc.								
11922	Municipal Code Online, Inc.	341	Codification	07/01/2014	5,500.00	5,500.00	03/12/2015	
Total Municipal Code Online, Inc.:					5,500.00	5,500.00		
Republic Services								
10200	Republic Services	0493-0004729	garbage service	02/28/2015	16,157.62	16,157.62	03/11/2015	
Total Republic Services:					16,157.62	16,157.62		
Rocky Mountain Power								
2501	Rocky Mountain Power	03/11/2015	powe bill	02/17/2015	1,602.93	1,602.93	03/11/2015	
2501	Rocky Mountain Power	03/11/2015	power bill	02/17/2015	61.02	61.02	03/11/2015	
2501	Rocky Mountain Power	03/11/2015	power bill	02/17/2015	4,424.91	4,424.91	03/11/2015	
2501	Rocky Mountain Power	03/11/2015	power bill	02/17/2015	360.24	360.24	03/11/2015	
2501	Rocky Mountain Power	03/11/2015	power bill	02/17/2015	51.50	51.50	03/11/2015	
2501	Rocky Mountain Power	03/11/2015	WWTP Power Bill	02/17/2015	22.70	22.70	03/11/2015	
2501	Rocky Mountain Power	03/11/2015	WWTP Power Bill	02/17/2015	4,561.50	4,561.50	03/11/2015	
Total Rocky Mountain Power:					11,084.80	11,084.80		
Utah Local Governments Trust								
10333	Utah Local Governments Trust	03/12/2015	annual auto pd premium	02/13/2015	19,325.39	19,325.39	03/12/2015	
Total Utah Local Governments Trust:					19,325.39	19,325.39		
Zions Bank Public Finance								
11921	Zions Bank Public Finance	03/11/2015	Perry Culinary Water Impact Fees	02/02/2015	2,500.00	2,500.00	03/11/2015	
11921	Zions Bank Public Finance	03/11/2015	Perry Public Safety IFFP Draft	02/02/2015	1,500.00	1,500.00	03/11/2015	
11921	Zions Bank Public Finance	03/11/2015	Perry Public Safety IFFP Draft	02/02/2015	1,500.00	1,500.00	03/11/2015	
Total Zions Bank Public Finance:					5,500.00	5,500.00		
Grand Totals:					61,587.22	61,587.22		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Paid and unpaid invoices included.



FOR OFFICE USE ONLY		
Zone _____	Use: P* P C N	
Issued _____	Approved _____	
Business License No. _____		
License Fee \$ _____	Date Rec'd _____	
Receipt # _____		
<input type="checkbox"/> Check # _____	<input type="checkbox"/> Cash	<input type="checkbox"/> Other _____

BUSINESS LICENSE APPLICATION

Check all that Apply:

Original application Renewal Application

Change of: Address Ownership Business name

Business Information – Please type or print clearly:

Applicant's Name Jordan N. Ewert

Business Name Chooters

Business Address 2820 S. 845W Perry City, UT 84302

What type of building is this? Home Commercial Other

Will you have visiting clientele at this address? Yes No

Mailing Address 845W. 2820 S. City Perry State UT Zip 84302

Bus. Phone (400) 524-5651 Business Start Date 15 Mar 15

Email Address: Ewert.jordan@gmail.com (required) Sales Tax # _____

Website Address: www.chooters.com

Is the Applicant the Property Owner? Yes No

If No, Property Owner's Name Steven N. Ewert Phone 208 590 0051

Describe Business: Online Personal defense ie Taser - Ammo & such

Check all that Apply:

- | | | |
|-------------------------------------------------------------------|--------------------------------|---------------------------------|
| 1. Professional Services \$34 | 8. Food /Fruit Sales \$125 | 15. Truck Stop \$2,608 |
| <input checked="" type="checkbox"/> Home Business \$30 | 9. Large Scale Constr. \$2,359 | 16. Restaurant \$125 |
| 3. Wholesale/Retail Bus. \$30 | 10. Live Performance \$125 | 17. Temporary \$34 |
| 4. Big Box \$5,000 | 11. Movie Theater \$125 | 18. Amusement Machines \$30 |
| 5. Construction \$125 | 12. Public Lodging \$34 | 19. Vending Machines \$5 |
| 6. Automotive \$34 | 13. Rental \$41 (+\$10/unit) | 20. Class A Beer \$225 |
| 7. Gas Station/Conv. Store \$125 | 14. Storage Units \$125 | 21. Public Exhibitions \$30/day |
| 22. Solicitors \$38 per person (ID required for all participants) | | |

All Licenses expire December 31st. No pro ration for a partial year.

Perry City Contact:

Robin Matthews, Utility, Permit, & Licensing Clerk

435-723-6461 ext.103

robin.matthews@perrycity.org



FOR OFFICE USE ONLY
 Zone _____ Use: P* P C N
 Issued _____ Approved _____
 Business License No. _____
 License Fee \$ 125.00 Date Rec'd 3/24/2015
 Receipt # 3.000285
 Check # 9143 Cash Other _____

BUSINESS LICENSE APPLICATION

Check all that Apply:

Original application Renewal Application

Change of: Address Ownership Business name

Business Information – Please type or print clearly:

Applicant's Name Jordan Ritey

Business Name Ritey's Farm Fresh

Business Address 2055 S Hwy 89 Perry City, UT 84302

What type of building is this? Home Commercial Other

Will you have visiting clientele at this address? Yes No

Mailing Address 2055 S Hwy 89 City Perry State UT Zip 84302

Bus. Phone (435) 723-8112 Business Start Date April 1

Email Address: jordandri@gmail.com (required) Sales Tax # 90-0962387

Website Address: _____

Is the Applicant the Property Owner? Yes No (David Tyler)

If No, Property Owner's Name George A Nelson + Sons Phone (435) 730-0090

Describe Business: Orchards and Fruit Stand,

Check all that Apply:

- | | | |
|-------------------------------------------------------------------|-----------------------------------|---------------------------------|
| 1. Professional Services \$34 | <u>8.</u> Food /Fruit Sales \$125 | 15. Truck Stop \$2,608 |
| 2. Home Business \$30 | 9. Large Scale Constr. \$2,359 | 16. Restaurant \$125 |
| 3. Wholesale/Retail Bus. \$30 | 10. Live Performance \$125 | 17. Temporary \$34 |
| 4. Big Box \$5,000 | 11. Movie Theater \$125 | 18. Amusement Machines \$30 |
| 5. Construction \$125 | 12. Public Lodging \$34 | 19. Vending Machines \$5 |
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Ordinance 15-G
**AN ORDINANCE ADOPTING CITY COUNCIL RULES OF
PROCEDURE.**

**AN ORDINANCE OF PERRY CITY, ADOPTING THE PERRY CITY COUNCIL
RULES OF PROCEDURE; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Perry City (hereafter sometimes referred to as “City” or “municipality”) is a municipal corporation duly incorporated and existing under the laws of Utah; and *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order; and

WHEREAS, the City Council has previously adopted the 2015 Perry City Municipal Code as organized by Municipal Code Online; and

WHEREAS, the City Council finds it imperative to include the Rules of Procedure for the Perry City Council in the 2015 Perry City Municipal Code; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Perry, Utah, as follows:

Section 1. Adoption: The Perry City Council adopts the Perry City Council Rules of Procedure as follows:

2.34. CITY COUNCIL RULES OF PROCEDURE

2.34.010. INTENT; ROBERT’S RULES; ETHICS

2.34.020. CITY COUNCIL AGENDAS

2.34.030. CITY COUNCIL STAFF AND MINUTES

2.34.040. SERGEANT-AT-ARMS; DISORDERLY CONDUCT

**2.34.050. OPENING CEREMONIES (FOR CITY COUNCIL AND OTHER CITY
COMMITTEES/ORGANIZATIONS)**

**2.34.060. ATTENDANCE BY LAND USE APPLICANTS AND BY FINANCIAL
APPEAL APPLICANTS**

2.34.070. RULES GOVERNING PUBLIC INPUT

2.34.080. CITY COUNCIL VOTES

**2.34.090. OPEN MEETINGS ACT; CLOSED MEETINGS; ELECTRONIC
MEETINGS**

2.34.100. ADJOURNING MEETINGS; “2/3 VOTES”; SPECIAL RULES

**2.34.110. PROCEDURES FOR FILLING VACANCIES FOR CITY COUNCIL
MEMBERS AND MAYOR**

2.34.010. INTENT; ROBERT’S RULES; ETHICS

2.34.010.1. Statement of Intent.

2.34.010.2. Robert’s Rules of Order and Prior Precedents.

2.34.010.3. The Mayor is a Member of and the Chair of the Governing Body.

2.34.010.4. Ethical Rules.

2.34.010.1. Statement of Intent.

Because the Perry City Council holds regular meetings, as prescribed by law, and must give consideration to items of City business in a timely manner, and because the Perry City Council wants to conduct business in an efficient and responsible manner, the Perry City Council approves and adopts the following policies and procedures for conducting its public City Council meetings, as per Utah Code Section 10-3-606, which allows “the governing body of each municipality [to] establish its own rules of procedures for the proper conduct of its meetings.”

2.34.010.2. Robert’s Rules of Order and Prior Precedents.

Robert’s Rules of Order (and precedents from prior meetings) shall govern any situation not specifically covered by state or local law or by these rules.

2.34.010.3. The Mayor is a Member of and the Chair of the Governing Body.

As per Utah Code Section 10-3-101(1)(a)(ii), the Mayor is a (usually non-voting) member of the six-member governing body (consisting of the Mayor and the five (5) *voting* City Council members). As per Utah Code Section 10-3-403, “the Mayor shall be the chairman [Chair] and preside at meetings of the governing body. In the absence of the Mayor or because of his inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as Mayor Pro Tempore. . . .”

2.34.010.4. Ethical Rules.

The members of the governing body shall abide by the provisions of the Municipal Officers’ and Employees’ Ethics Act, as codified in Utah Code Section 10-3-1301 et seq. and 67-16-101 et seq.

2.34.020. CITY COUNCIL AGENDAS

2.34.020.1. Placement of *(Any Types of) Items* on an Agenda by the Mayor and City Council Members.

2.34.020.2. Placement of *Land Use Issues* on a City Council Agenda.

2.34.020.3. Time Limit for *New Agenda Items*; Distribution of Information.

2.34.020.4. Each Agenda Item Clearly Stated; *General Agenda Rules*.

2.34.020.5. *Starting a Meeting*.

2.34.020.6. Placement of *(Any Types of) Items* on an Agenda by the Mayor and City Council Members.

2.34.020.1. Placement of *(Any Types of) Items* on an Agenda by the Mayor and City Council Members.

The City Recorder (or another official designated by the Mayor to place items on the agenda) shall place any item on the agenda as legally requested by:

1. A motion of the City Council in a meeting; or

2. A City Council member(s); or
3. The Mayor; or
4. Other individuals or groups desiring to place an item on the agenda, who are sponsored by a City Council member(s) and/or by the Mayor. The Mayor shall approve of each City Council agenda, but the Mayor may not remove from the agenda any item legally placed thereon by a City Council member(s) without the written approval of all of said member(s). An item shall not be placed on an agenda until all other legal requirements have been met (if any). If applicable, ample time (before the date of the City Council meeting) should be allowed to provide for adequate notice to affected parties, etc.

2.34.020.2. Placement of *Land Use Issues* on a City Council Agenda.

The following rules shall apply regarding the placement of land use issues on the agenda:

1. The City Recorder (or another official designated by the Mayor to place items on the agenda) shall place all recommendations from the Planning Commission (regarding land use applications, land use ordinances, other land use issues, etc.) on the next available City Council Meeting agenda that is at least two (2) weeks after the Planning Commission Meeting in which the recommendations were made (in order to allow for ample time for the preparation of Planning Commission minutes and for the inclusion of those Planning Commission minutes, staff reports, documentation from applicant(s), and other information in the packet provided in advance to members of the governing body); and
2. If the Mayor directs that an item be placed on the agenda before the two (2) weeks have elapsed, the City Council shall first vote (by a 2/3 vote) to waive the two (2) week rule before discussing the issue. See Perry Municipal Code (“PMC”)

2.34.100.3. Actions Requiring a “2/3 Vote.”; and

3. The governing body shall carefully review all information provided regarding land use issues and, if overruling or amending a Planning Commission or other land use authority recommendation, it is advisable that the reason(s) be stated.

2.34.020.3. Time Limit for *New Agenda Items*; Distribution of Information.

Agenda items must be submitted no later than 5:00 p.m. on the Thursday immediately preceding the City Council meeting. Agendas (and information packets) will be prepared and distributed to the members of the governing body by the Monday immediately preceding a City Council Meeting. The Mayor may approve an amended agenda if:

1. Emergency/urgent items are submitted 24 hours or more prior to the meeting;
- and
2. Other legal requirements, including noticing requirements, can be met.

2.34.020.4. Each Agenda Item Clearly Stated; *General Agenda Rules*.

Each item shall be described with clarity to properly apprise the governing body and public regarding the subject matter of the item; and the following rules shall apply:

1. Each agenda item may vary, depending on length of the discussion, cancellation of scheduled items, or agenda alteration (see **PMC 2.34.100.5. “Agenda Alteration.”**);
- and
2. Numbers and/or times are estimates of when agenda items will be discussed;

and

3. Each agenda item shall be a discussion and/or action item, unless otherwise indicated; and
4. No action by the governing body may be taken on an item if said item is not specifically on the agenda.

2.34.020.5. *Starting a Meeting.*

The meeting shall start at the time posted, if a quorum is present, and shall begin with the Opening Ceremony (which may include the Pledge of Allegiance, an invocation, and/or other ceremony, as per **PMC 2.34.050**).

2.34.030. CITY COUNCIL STAFF AND MINUTES

2.34.030.1. Attendance by Council Staff at Meetings.

2.34.030.2. Taking of Minutes.

2.34.030.3. Maintaining a Record of the Proceedings.

2.34.030.4. Notification of Staff by Members of the Governing Body Regarding Procedural Issues.

2.34.030.5. Procedural and Advisory Role of the City Attorney.

2.34.030.6. Votes to Approve Minutes.

2.34.030.1. Attendance by Council Staff at Meetings.

The City Council Staff shall consist primarily of five positions of responsibility, each of which (or an assigned deputy or assistant for each position) shall, as much as is practicable, attend each regular City Council Meeting:

1. The City Administrator (who shall serve as Chief of Staff for the City Council Staff); and
2. The City Recorder (who shall serve as Deputy Chief of Staff for the City Council Staff) and/or any Deputy City Recorder(s); and
3. A Minutes Clerk(s), serving under the direction of the City Recorder; and
4. The City Attorney and/or any Acting or Assistant City Attorney(s); and
5. The Sergeant-at-Arms, as per PMC Section 2.34.040.

A single individual may fulfill more than one position at a given meeting. Other employees, independent contractors, engineers, financial consultants, experts, etc., may serve as part of the City Council Staff and/or attend meetings as needed.

2.34.030.2. Taking of Minutes.

A Minutes Clerk(s) shall be recommended by the City Recorder (and approved by the Mayor and City Administrator). The Minutes Clerk(s), serving under the direction of the City Recorder, shall attend all City Council Meetings, and shall assist the City Recorder by taking minutes. The Minutes Clerk(s) shall be “Deputy City Recorder(s)” with regards to taking minutes and assisting in keeping “the record of the proceedings of the governing body,” as per Utah Code Section 10-6-137. The City Recorder may choose to personally take minutes (instead of a Deputy City Recorder or Minutes Clerk) and may make modifications to the recommended minutes before they are presented to the governing body for approval.

2.34.030.3. Maintaining a Record of the Proceedings.

These rules shall not be construed to affect the City Recorder's right and final responsibility to review each set of recommended minutes and to keep and maintain "the [accurate] record of the proceedings of the governing body," as per Utah Code Section 10-6-137, as well as other City records.

2.34.030.4. Notification of Staff by Members of the Governing Body Regarding Procedural Issues.

Each member of the governing body shall notify and inform the City Administrator (as Chief of Council Staff), the City Recorder (as Deputy Chief of Council Staff), and the City Attorney (as procedural and legal advisor) regarding any correspondence, e-mail, telephone call, or other communication from any individual alleging that there is a procedural problem or any issue of unconstitutionality, illegality, irregularity, etc., in any adoption, interpretation, or implementation of rules or other action taken by the governing body or by any City official.

2.34.030.5. Procedural and Advisory Role of the City Attorney.

The City Attorney (or Assistant City Attorney), as parliamentarian, shall interpret the City Council Rules of Procedure and shall provide guidance as to how they are to be applied, subject to being overruled by the Mayor. The City Attorney (or Assistant City Attorney) shall also render legal opinions as required, and shall draft, assist in drafting, or review the drafts of all ordinances, resolutions, contracts, and other official documents, applications, etc., to be acted upon by the governing body, and shall be entitled to render a legal opinion with regards to each document or other item. Legal opinions need not be limited to just a statement of the law and application of the law.

2.34.030.6. Votes to Approve Minutes.

Each set of recommended City Council minutes shall be timely reviewed and approved by the City Council (with or without changes). If changes to the recommended minutes are discussed, said changes shall be automatically made, unless the motion approving of the minutes specifically states otherwise. A City Council member has the option to cast an affirmative vote, a negative vote, or an abstention if said City Council member was not present at a meeting for which minutes are being considered. An abstention on minutes or on a simple procedural or scheduling item shall count as a negative vote (for purposes of determining a tie vote). See PMC Section 2.34.080.4 for additional rules regarding abstaining votes (abstentions).

Example: In the event of a 2 affirmative, 1 negative, 1 abstention vote regarding minutes, the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 2.34.080.6.

2.34.040. SERGEANT-AT-ARMS; DISORDERLY CONDUCT

2.34.040.1. Appointment of Sergeant-at-Arms.

2.34.040.2. Removal of Disorderly Individual(s) by the Sergeant-at-Arms.

2.34.040.1. Appointment of Sergeant-at-Arms.

The Perry City Chief of Police shall be the Sergeant-at-Arms or, in the alternative, the highest ranking member of the Perry City Police Department present shall act in this capacity or, in the alternative, any other individual present shall act in this capacity, at the discretion of the Mayor (or Mayor Pro Tem).

2.34.040.2. Removal of Disorderly Individual(s) by the Sergeant-at-Arms.

As per Utah Code Sections 10-3-607 and 10-3-608, the governing body, on a 2/3 vote, may have disorderly or unruly member(s) of the governing body or public in attendance:

1. Fined up to \$100.00; and/or
2. Expelled from the meeting by the Sergeant-at-Arms.

2.34.050. OPENING CEREMONIES (FOR CITY COUNCIL AND OTHER CITY COMMITTEES/ORGANIZATIONS)

2.34.050.1. Non-Discriminatory Participation.

2.34.050.2. Procedure to Participate.

2.34.050.3. Short and Appropriate Ceremony.

2.34.050.4. Types of Ceremonies.

2.34.050.5. Mayor/Chair May Ask for Participation.

2.34.050.6. Prohibiting Participation.

2.34.050.1. Non-Discriminatory Participation.

Participation in opening ceremonies for City Council meetings, Planning Commission meetings, and other City meetings shall be open to all on a non-discriminatory basis, with scheduling preference given to Perry City residents.

2.34.050.2 Procedure to Participate.

Individuals desiring to participate in the opening ceremony for a City Council, a Planning Commission, or other type of City meeting should write a letter to the Mayor (or Chair of the meeting) at least two weeks in advance of when they desire to so participate, giving at least one alternate date for participation. The letter should indicate the person(s)' name(s), address(es), telephone number(s), and other contact information, as well as a brief description of the proposed opening ceremony. The Mayor, Chair, or designated agent, shall have the authority to schedule opening ceremonies for City Council, Planning Commission, and other City meetings. The content of the proposed opening ceremony shall not serve as the basis for denying the right to present an opening ceremony, unless such content violates any applicable law, ordinance, regulation, statute, etc.

2.34.050.3. Short and Appropriate Ceremony.

The opening ceremony may include one or two types of ceremonies (see PMC Section 2.34.050.4), with each ceremony involving either an individual or a group. Each part of the opening ceremony should be short (no more than three (3) minutes) and should not be specifically related to any item on the agenda or a specific City or political issue. It is intended that the tone of the opening ceremony be positive, encouraging, uplifting, and

non-confrontational. The opening ceremony is not the appropriate place to hear public input on a particular City issue, as such input shall be scheduled as a regular agenda item.

2.34.050.4. Types of Ceremonies.

The ceremony may include any comments (including prayers and completely nonreligious secular comments) that are appropriate for public gatherings. The opening ceremony may include one or two types of ceremonies, as follows:

1. Patriotic in nature (such as the Pledge of Allegiance), and/or
2. Religious in nature (such as a prayer, invocation, reverence statement, or moment of silence), and/or
3. Non-religious in nature (including such things as a thought, a poem, or a reading).

2.34.050.5. Mayor/Chair May Ask for Participation.

In the event no specific opening ceremony is scheduled or prepared for a meeting, the Mayor (for City Council meetings) or the Chair or other individual presiding (for Planning Commission meetings and for other meetings) may ask for individuals present at the meeting to participate, as appropriate, in conducting/performing an opening ceremony conforming to this policy.

2.34.050.6. Prohibiting Participation.

Individuals or groups who are deliberately offensive or disorderly, and/or who otherwise violate this policy, may be prohibited from participating in future opening ceremonies of the City Council, Planning Commission, and other City meetings.

2.34.060. ATTENDANCE BY LAND USE APPLICANTS AND BY FINANCIAL APPEAL APPLICANTS

2.34.060.1. Rules of Procedure in Title 43 Incorporated by Reference.

2.34.060.2. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration or Approval for Land Use Applications.

2.34.060.3. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration for Financial Appeal Applications.

2.34.060.4. All Appropriations Authorized by the Budget or Special Procedures.

2.34.060.1. Rules of Procedure in Title 15.05 Incorporated by Reference.

The Rules of Procedure set forth in Title 15.05 of the Perry Municipal Code (applying to the City Council in its role as a land use authority) are incorporated herein by reference.

2.34.060.2. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration or Approval for Land Use Applications.

No consideration will be given and no action will be taken with regards to any land use application(s) or appeal(s) on a City Council agenda unless the applicant (or a representative of the applicant) is present at the time and place designated on the City

Council agenda; and

1. The Mayor or Mayor Pro Tem shall declare such agenda item(s) automatically tabled if an applicant/representative is not present by the time that the land use applications/appeals portion of the City Council agenda is completed; and
2. The City Council may vote to deny an application/appeal if the applicant/representative fails to attend a second meeting; and
3. A representative of the applicant may not be a Perry City employee or a member of a land use authority or Appeal Authority of Perry City.

2.34.060.3. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration for Financial Appeal Applications.

No consideration will be given and no action will be taken with regards to any financial appeal application(s) on a City Council agenda unless the applicant (or a representative of the applicant) is present at the time and place designated on the City Council agenda; and

1. The application must be in writing; and
2. The Mayor or Mayor Pro Tem shall declare such agenda item(s) automatically tabled if an applicant or representative is not present by the time that the financial portion of the City Council agenda is completed; and
3. A financial appeal application(s) is defined as any application requesting that the City Council appropriate or donate any money, waive or reduce a fee, adjust payments, reimburse for expenses, or make a financial decision, etc.; and
4. The City Council may vote to deny a financial appeal if the applicant/representative fails to attend a second meeting; and
5. A representative of the applicant may not be a Perry City employee/official or a member of the governing body of Perry City.

2.34.060.4. All Appropriations Authorized by the Budget or Special Procedures.

As with all appropriations, financial appeal application(s) (including all donations, waivers or reductions of fees, payment adjustments, reimbursement of expenses, and other financial decisions and appropriations approved by the City Council) shall conform to state and local law, including the City's ordinances and resolutions, as well as to Utah Code Section 10-8-2, which requires that all appropriations be authorized by either:

1. The budget; or
2. The special procedures set forth in Utah Code Section 10-8-2, including a study, public hearing, etc.

2.34.070. RULES GOVERNING PUBLIC INPUT

2.34.070.1. Chair to Recognize Speakers.

2.34.070.2. One Individual Speaks at a Time.

2.34.070.3. Time Limit to Speak.

2.34.070.4. Limit Redundant Comments.

2.34.070.5. Motion to Limit (or End) Discussion.

2.34.070.6. Public Hearing and Public Comments Rules.

2.34.070.1. Chair to Recognize Speakers.

No one speaks until recognized by the Chair (Mayor or Mayor Pro Tem). See PMC Section 2.34.010.3.

2.34.070.2. One Individual Speaks at a Time.

Only one person speaks at a time. The members of the audience will not interrupt or attempt to ask or answer questions until the Mayor (or Mayor Pro Tem) recognizes them.

2.34.070.3. Time Limit to Speak.

Once recognized by the Mayor (or Mayor Pro Tem), the speaker may speak for or against the motion/proposal for three (3) minutes (more for complex issues, if allowed by the Mayor/ Mayor Pro Tem). The Mayor (or Mayor Pro Tem) will recognize no person more than two (2) times, in order to give more people the opportunity to address the issue.

2.34.070.4. Limit Redundant Comments.

The Mayor (or Mayor Pro Tem) will attempt to limit redundant comments and moderate the discussion.

2.34.070.5. Motion to Limit (or End) Discussion.

In the event public discussion of any agenda item becomes too lengthy, the Mayor or any member of the governing body may call for a vote on the pending matter or make a motion to limit (or end) time for discussion. Upon receiving a second to the motion to limit (or end) time for discussion, reasonable time limits (or an end) may be imposed upon the public discussion by a majority vote of the Council (minimum of three “affirmative” votes required, as per PMC Section 2.34.080.1).

2.34.070.6. Public Hearing and Public Comments Rules.

The following are rules regarding public hearings and public comments, which may be posted on the agenda in a manner similar to the following:

1. Please speak only once (maximum of three (3) minutes) per agenda item; and
2. Please speak in a courteous and professional manner; and
3. Do not speak to specific member(s) of the City Council, staff, or public (please speak to the Mayor or to the Council as a Group); and
4. Please present possible solutions for all problems identified; and
5. No decision may be made during this meeting if the item is not specifically on the agenda (and with action on public hearings to potentially be taken later in the meeting and/or at a subsequent meeting).

2.34.080. CITY COUNCIL VOTES

2.34.080.1. Quorum; Three Votes Required for Any Action.

2.34.080.2. Procedure from Calling Agenda Item to Time of Vote.

- 2.34.080.3. Roll Call Votes; Resolutions and Ordinances to be in Writing.**
- 2.34.080.4. City Council Abstaining Votes: For Various Types of Issues.**
- 2.34.080.5. Automatic Negative Vote If Present (But Not in Seat).**
- 2.34.080.6. Special Rule for Breaking a 2 Affirmative, 2 Negative Tie Vote, Including the Mayor Casting a Deciding Vote or an Abstaining Vote.**
- 2.34.080.7. Reconsideration of an Open-Ended, Failed Vote.**
- 2.34.080.8. Open-Ended, Failed Vote Becomes a Final Vote If Not Timely Reconsidered.**
- 2.34.080.9. Final Vote: Limited Reconsideration after the Meeting is Over.**
- 2.34.080.10. Retention of Recommendations of Staff and Planning Commission.**

2.34.080.1. Quorum; Three Votes Required for Any Action.

As per Utah Code Section 10-3-504(1) (a), a “quorum” is three (3) or more *voting* City Council members (the Mayor and two (2) voting City Council members do *not* constitute a “quorum”). As per Utah Code Section 10-3-507(1)(a) (i), and regardless of the number of City Council members present, three (3) affirmative votes are required for the City Council to pass or approve of any ordinance, resolution, or motion, or to take any other action on any issue.

2.34.080.2. Procedure from Calling Agenda Item to Time of Vote.

The following procedures shall be observed for regular City Council agenda items, as well as for ordinances and resolutions:

1. The Mayor (or Mayor Pro Tem) shall read the agenda item and shall have City Council Member(s), staff, or others make any necessary presentations; and
2. If a motion and second are required and made on the item, the process shall proceed; otherwise, further action on the item is not required (in accordance with Robert’s Rules of Order and rules established in this PMC Title 2.34); and
3. The Chair of the meeting (Mayor or Mayor Pro Tem) *may not make* a motion, but *may entertain* (request) a motion or *second* a motion.
4. Following a motion and second, the City Council may further discuss the motion; and
5. After discussion by the City Council, the Mayor (or Mayor Pro Tem) may allow public comment, by invitation only, to discuss the item, and the City Council may then further discuss the item; and
6. Once discussion is completed (or a motion to limit or end discussion is made, as per PMC Section 2.34.070.5), the Mayor (or Mayor Pro Tem) shall call for a vote on the motion.

2.34.080.3. Roll Call Votes; Resolutions and Ordinances to be in Writing.

As per Utah Code Section 10-3-506:

1. Votes on “all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body. . .” or as otherwise required by law, shall be by *roll call vote*, with each “affirmative” or “negative” vote for each City Council member to be recorded; and

2. "Every resolution or ordinance shall be in writing before the vote is taken."

2.34.080.4. City Council Abstaining Votes: For Various Types of Issues.

City Council members may abstain or refuse to vote, referred to herein collectively as "abstain(s) (ing)," "abstention(s)," or "abstaining vote(s)." The following shall apply as to abstaining votes in City Council meetings:

1. **Vote on Minutes/Procedural Item(s).** As per PMC Section 2.34.030.6, "[a]n abstention on minutes or on a simple procedural or scheduling item shall count as a negative vote (for purposes of determining a tie vote)."

Example: In the event of a 2 affirmative, 1 negative, 1 abstention vote regarding minutes, the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 2.34.080.6.

2. **Special 2/3 Vote.** As per PMC Section 2.34.100.4, "abstaining vote(s) does/do not count towards the calculation of [a special] 2/3 vote."

Example: With five (5) City Council members present, and with three (3) voting affirmative, one (1) voting negative, and one (1) abstaining (on a motion requiring a 2/3 minimum vote), the vote would pass 3 affirmative/1 negative (75% to 25%, which exceeds the 66 2/3% minimum required).

3. **Vote on Other Issues.** In the event of a vote on any motion, resolution, ordinance, or other issue (referred to herein collectively as "vote") besides a vote as per Sub-Sections 1 or 2 herein, which results in one (1) or more City Council members abstaining, each abstention shall not count as an affirmative vote or as a negative vote, as long as a conflict of interest, personal bias, or other ethical disclosure (does not have to be specific) is declared before or at the time of the vote; otherwise, the abstention shall count as a negative vote.

Example: In the event of a 2 affirmative, 1 negative, and 1 abstention (with an ethical disclosure, not overruled by the Mayor) vote on a non-procedural (and non-2/3 vote) item, the vote shall *not* be counted as a tie vote; but rather, shall be an "open-ended, failed vote," due to a lack of the minimum three (3) affirmative votes or three (3) negative votes required for a "final vote," pursuant to Utah Code Section 10-3-507.

4. **Invalid Abstention(s).** If the Mayor (or Mayor Pro Tem) declares an abstention (with ethical disclosure, as per Sub-Section 3) to be invalid, the abstention shall count as a negative vote.

Example: In the event of a 2 affirmative, 1 negative, and 2 abstentions vote (with ethical disclosures, but with the Mayor declaring one abstention to be invalid), the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 2.34.080.4.

2.34.080.5. Automatic Negative Vote If Present (But Not in Seat).

In the event that a member of the governing body is present, but not in his or her seat

when a vote is taken, his or her vote shall be recorded as a negative vote (including for purposes of determining a tie vote).

2.34.080.6. Special Rule for Breaking a 2 Affirmative, 2 Negative Tie Vote, Including the Mayor Casting a Deciding Vote or an Abstaining Vote.

In the event of a 2 affirmative, 2 negative tie vote, the Mayor (if present) shall cast the deciding vote. If the Mayor is present and abstains (as defined herein) from casting the deciding vote, this abstention shall count as a negative vote, thus being a final, failed 2 affirmative, 3 negative vote. See Utah Code Section 10-3-1(1)(a)(ii).

Example: In the event of a 2 affirmative, 1 negative, and 1 abstention vote (with an ethical disclosure, not overruled by the Mayor) on a non-procedural (and non-2/3 vote) item, the vote shall *not* be counted as a tie vote; but rather, shall be an “open-ended, failed vote,” due to a lack of the minimum three (3) affirmative votes or three (3) negative votes required for a “final vote,” pursuant to Utah Code Section 10-3-507.

Example: In the event of a 2 affirmative, 1 negative, and 1 abstention vote (with ethical disclosure, but with the Mayor declaring the abstention to be invalid), the vote shall count as a 2 affirmative, 2 negative tie vote; and “the Mayor (if present) shall cast the deciding vote,” pursuant to PMC Section 2.34.080.4.

2.34.080.7. Reconsideration of an Open-Ended, Failed Vote.

In the event of a vote which does not receive three (3) affirmative votes or three (3) negative votes (referred to herein collectively as an “open-ended, failed vote”), the vote may only be reconsidered in a “timely fashion,” defined as follows:

1. At the same meeting and/or at a City Council meeting within 36 days of said meeting, or if approved by a motion of the City Council within said 36 days to be placed on another meeting agenda (within 36 days of said motion); and if
2. The issue is properly placed on the agenda for said meeting; and if
3. All other legal requirements are met, including Utah Code Section 10-3-508, which requires that “the number of members of the governing body present. . . is equal to or greater than the number of members present at the [prior] meeting. . .”

2.34.080.8. Open-Ended, Failed Vote Becomes a Final Vote If Not Timely Reconsidered.

If an open-ended, failed vote is not reconsidered and voted on with a “final, approved vote” in a “timely fashion,” it shall be deemed a final, failed vote (and shall *not* be reconsidered at any subsequent City Council meeting, except as per PMC Section 2.34.080.9).

2.34.080.9. Final Vote: Limited Reconsideration after the Meeting is Over.

In the event of a vote which receives three (3) affirmative votes (“final, approved vote”) or three (3) negative votes (“final, failed vote”), the vote shall be deemed a “final vote” at the conclusion of the meeting and shall thus not be reconsidered, unless the City Council votes to reconsider at a subsequent meeting, with a finding that:

1. The prior vote was illegal or in violation of a contract or other legal obligation,

or the new vote is required by law, or a land use authority and/or applicant(s) recommend reconsideration of a land use issue (and the applicant(s) are *not* opposed to reconsideration); and

2. The issue is properly placed on the agenda for said meeting; and
3. No excessive expenditures of time, money, and/or other resources have been made in reliance upon the prior vote; and
4. All other legal requirements are met, including Utah Code Section 10-3-508, which requires that “the number of members of the governing body present. . . is equal to or greater than the number of members present at the [prior] meeting. . .”

2.34.080.10. Retention of Recommendations of Staff and Planning Commission.

All written recommendations (regarding land use or non-land use issues) of the City Staff, the Planning Commission, and/or other land use authorities or City officials that are not specifically excluded or overruled by a City Council vote shall be deemed accepted and part of said vote.

2.34.090. OPEN MEETINGS ACT; CLOSED MEETINGS; ELECTRONIC MEETINGS

2.34.090.1. Open/Public Meetings Act; Time of Regular City Council Meetings.

2.34.090.2. Special/Emergency City Council Meetings, Work Sessions, Etc.

2.34.090.3. Closed Meetings (Executive Sessions).

2.34.090.4. Electronic Meeting: Any City Council Meeting (Not Other Meetings).

2.34.090.5. Electronic Meeting: Request by a Governing Body Member to the Mayor to Participate Electronically.

2.34.090.6. Electronic Meeting: Notice to Public and Governing Body Members.

2.34.090.7. Electronic Meeting: City Council Chambers are “Anchor” Location.

2.34.090.8. Electronic Meeting: Minimum Participation at the “Anchor” and “Remote” Locations.

2.34.090.9. Electronic Meeting: “Chairing” Meeting at the Anchor Location.

2.34.090.10. Electronic Meeting: Limits on Participation by Telephone/Electronic Conferencing at “Remote” Locations.

2.34.090.1. Open/Public Meetings Act; Time of Regular City Council Meetings.

Meetings of the governing body (Mayor and City Council) are open to the public (unless closed pursuant to PMC Section 2.34.090.3 herein and Utah Code Sections 52-4-204 through 52-4-206) and “regular” meetings (listed on the annual meeting schedule) shall be held at least once per month, unless a meeting is cancelled due to a holiday, lack of business, etc. The City Council may hold its “regular” meetings on second and fourth Thursdays, starting at 7:00 p.m. (with possible work sessions before 7:00 p.m.), or at any

other time, as needed. All meetings shall follow the requirements of the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended.

2.34.090.2. Special/Emergency City Council Meetings, Work Sessions, Etc.

As per Utah Code Section 52-4-202, special/emergency meetings (meetings other than regularly scheduled meetings) may be called by the Mayor or by two (2) of the *voting* members of the City Council at any time, provided that at least twenty-four (24) hours notice has been given to each member of the governing body and to the Box Elder News-Journal (and/or other local newsletter) before a special/ emergency meeting is held. In addition to the regular meetings and special/emergency meetings, the City Council may schedule field trips, work sessions, and executive sessions, etc. (may or may not be part of a “regular” meeting), as allowed by law. Minutes shall be kept for all meetings, as per PMC Chapter 2.34.030 (herein) and as per Utah Code Section 52-4-203.

2.34.090.3. Closed Meetings (Executive Sessions).

A closed meeting (executive session) requires a special “2/3 vote” of the quorum present, as further clarified by PMC Section 2.34.100.4 and by Utah Code Sections 52-4-204 through 52-4-206. The meeting need not specifically appear on the agenda, but the specific reason for the closed meeting should be clearly stated in the motion calling for the closed meeting (for example, to discuss the character, competency, or health of an individual(s); to discuss litigation; to discuss real estate transactions; to discuss security issues; etc.). All of the other relevant requirements of the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended, should also be complied with in this regard.

2.34.090.4. Electronic Meeting: Any City Council Meeting (Not Other Meetings).

Utah Code Section 52-4-202 sets forth the requirements for electronic meetings. Electronic meetings may only be held by the governing body (not by the Planning Commission or by any other committee or board of the City, etc.). Any City Council Meeting (regular, special, emergency, work session, etc., but not a closed meeting) may be held by using telephone conferencing (or other electronic means) to allow one or more members of the governing body to be present at a meeting and to participate, vote, provide a quorum, etc., provided such meeting is called in conformance with:

1. The Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended; and
2. The following special rule: If part of a City Council meeting is a closed meeting, then that portion of the meeting shall not have electronic connection to or participation from a “remote” location (a location connected by telephone/electronic conferencing to the main “anchor” location), other than participation to call for or to adjourn the closed meeting (would require a quorum of three (3) *voting* City Council members to be present at the anchor location, to maintain a quorum for the closed meeting); and
3. The other procedures set forth in this PMC Chapter 2.34.090.

2.34.090.5. Electronic Meeting: Request by a Governing Body Member to

the Mayor to Participate Electronically.

A request to participate in a meeting electronically (includes by telephone or by other technological means), thereby making a given meeting “an electronic meeting,” as defined in Title 52, Chapter 4 of the *Utah Code Annotated*, especially in Section 52-4-203, may be made by any member of the governing body to the Mayor (or to the Mayor Pro Tem in the Mayor’s absence) and, in order to be approved, the request shall be:

1. Made at least 48 hours prior to the meeting, to allow for: (a) notice to be given to the governing body; and (b) arrangements to be made for the electronic meeting (meeting with one or more members of the governing body participating electronically); and
2. Due to an emergency situation or special condition that prohibits attendance;
3. Approved by the Mayor (in the Mayor’s sole discretion).

and

2.34.090.6. Electronic Meeting: Notice to Public and Governing Body Members.

To call an electronic meeting, and in order to allow the governing body to participate and be counted as present and as part of a quorum, etc., public notice of such meeting shall comply with the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended, especially Utah Code Section 52-4-207(3)(b), and shall be given at least 24 hours before the meeting by:

1. Providing written or electronic notice to: (a) the Utah Public Notice Website; (b) the Box Elder News-Journal (and/or other local newsletter); (c) the local Box Elder News-Journal (and/or other local newsletter) correspondent; and (d) the members of the governing body and staff (including a description of how the members of the governing body will be connected to the electronic meeting); and
2. Posting written notice at the anchor location; and
3. Complying with Utah Code Section 52-4-202.

2.34.090.7. Electronic Meeting: City Council Chambers are “Anchor” Location.

The Perry City Council Chambers, where the governing body would normally meet if the meeting was not an electronic meeting, currently located at 3005 South 1200 West in Perry, Utah, shall be the “anchor” location for all electronic meetings (an electronic meeting may not be held at another location). Perry City (and its governing body) finds that such chambers provide adequate space and facilities so that interested persons and the public may attend and monitor the open portions of the meeting (and participate, if there is a public hearing and/or public comments period, etc.), whether such public meeting has a scheduled public hearing and/or public comments period or otherwise.

2.34.090.8. Electronic Meeting: Minimum Participation at the “Anchor” and “Remote” Locations.

For an electronic meeting to be held, at least two members of the governing body must be present at the “anchor” location (and at least one member of the governing body must be present at each “remote” location).

2.34.090.9. Electronic Meeting: “Chairing” Meeting at the Anchor Location.

For an electronic meeting to be held, one of the members of the governing body present at the anchor location shall be designated as the Chair (Mayor or Mayor Pro Tem). The Mayor may thus participate, break a tie vote, etc. from a remote location, but may not “chair” a meeting from a “remote” location.

2.34.090.10. Electronic Meeting: Limits on Participation by Telephone/Electronic Conferencing at “Remote” Locations.

The following limits on electronic meetings shall apply:

1. Electronic meetings may only be held by the governing body (not by the Planning Commission or by any other committee or board of the City, etc.); and
2. Due to the limited availability of equipment and other logistical considerations, there will be a limit of two (2) telephone conferencing connections (and/or other electronic connections) at any given meeting, thus allowing for one anchor location and up to two (2) “remote” locations for a given meeting; and
3. One or more member(s) of the governing body may participate from the same remote location (and City staff may participate from any remote location where at least one member of the governing body is present); and
4. No member of the governing body may attend more than three (3) meetings per year electronically; and
5. The public has no right to be physically present at a “remote” location, and shall not participate at a “remote” location (in a public hearing, etc.).

2.34.100. ADJOURNING MEETINGS; “2/3 VOTES”; SPECIAL RULES

2.34.100.1. Adjournment by 10:00 p.m.

2.34.100.2. Suspend Any Rule by a “2/3 Vote.”

2.34.100.3. Actions Requiring a “2/3 Vote.”

2.34.100.4. Abstentions do not Count Toward the Calculation of any “2/3 Vote.”

2.34.100.5. “Agenda Alteration.”

**2.34.100.6. Alternative Appeal Authority for the City Council:
Administrative Law Judge.**

2.34.100.1. Adjournment by 10:00 p.m.

Meetings are to adjourn at or before 10:00 p.m., but no motion or special vote is required to extend the meeting time if the meeting can be concluded at or before 10:10 p.m.

2.34.100.2. Suspend Any Rule by a “2/3 Vote.”

Unless not allowed by law, the governing body may suspend any of the above rules (including to extend the time to adjourn) at any time during a meeting by a 2/3 vote of the Council. It is advisable that a reason(s) for suspending any rule be stated in the motion.

2.34.100.3. Actions Requiring a “2/3 Vote.”

The following require a special “2/3 vote” of the quorum present, as further clarified by PMC Section 2.34.100.4:

1. Suspending rules (including extending time to adjourn), as per PMC Section 2.34.100.2 herein; and
 2. Waiving the two (2) week rule for a land use issue [PMC Section 2.34.020.2(2)];
- and
3. Removal of disorderly persons, as per PMC Section 2.34.040.2 (and Utah Code Sections 10-3-607 and 10-3-608); and
 4. Calling for a closed meeting (executive session), as per PMC Section 2.34.90.3 (and Utah Code Section 52-4-204); and
 5. As otherwise required by state or local law or by the Perry Municipal Code.

2.34.100.4. Abstentions do not Count Toward the Calculation of any “2/3 Vote.”

In the event of an abstaining vote(s) on any motion requiring a 2/3 minimum vote, said abstaining vote(s) does/do not count towards the calculation of the 2/3 vote [see also PMC Section 2.34.080.4(2)].

Example: With five (5) City Council members present, and with three (3) voting affirmative, one (1) voting negative, and one (1) abstaining (on a motion requiring a 2/3 minimum vote), the vote would pass 3 affirmative/1 negative (75% to 25%, which exceeds the 66 2/3% minimum required).

2.34.100.5. “Agenda Alteration.”

As per PMC Section 2.34.020.4, “[e]ach agenda item may vary, depending on the length of the discussion, cancellation of scheduled items, or agenda alteration.” The governing body may spend additional time on items, cancel scheduled items, “table” items, etc., as desired. In the interest of economy of time, as a courtesy to applicants and residents, or as otherwise determined by the Mayor (or Mayor Pro Tem), the Mayor (or Mayor Pro Tem) may ask for unanimous consent for “agenda alteration” as follows: to move an item(s) (that is/are on the agenda) to another part of the agenda (either forward or backward). If no City Council member immediately declares opposition, then the agenda is altered as stated by the Mayor. “Agenda alteration” may also occur by a motion from a Council member, which is approved by at least three (3) affirmative votes, as per regular rules. As per PMC Section 2.34.020.4(4), “[n]o action by the governing body may be taken on an item if said item is not specifically on the agenda [but the item may be discussed, if allowed by state law].”

2.34.100.6. Alternative Appeal Authority for the City Council: Administrative Law Judge.

Unless otherwise specifically identified in the Perry Municipal Code, if the City Council (governing body):

1. Is identified in the Perry Municipal Code as the Appeal Authority for a land use issue, personnel policy issue (including disciplinary action), financial issue (including pursuant to PMC Section 2.34.060.3 herein), or any other type of

issue; and

2. Is not able to act as the Appeal Authority for said issue, due to conflicts of interest, due process concerns, lack of availability, etc.; and

3. Does not identify a different alternative Appeal Authority for said issue; Then the Administrative Law Judge (as identified in PMC Sections 15.05.020(F) and 15.05.020(G)) shall act as the substitute or alternative Appeal Authority for said issue.

2.34.110. PROCEDURES FOR FILLING VACANCIES FOR CITY COUNCIL MEMBERS AND MAYOR

2.34.110.1. General Statutory Authority.

2.34.110.2. Filling an Elected Office Vacancy of More than Two Years.

2.34.110.3. Filling an Elected Office Vacancy of Less than Two Years.

2.34.110.4. Public Notice for Making an Interim Appointment for an Elected Office.

2.34.110.5. Submission of Applications (to Fill Vacancies); and Verification of Qualifications.

2.34.110.6. Procedures for Making an Interim Appointment for City Council Member (by Secret Ballot); and Resolution of Tie Votes by the Mayor.

2.34.110.7. Procedures for Making an Interim Appointment for Mayor (by Secret Ballot).

2.34.110.8. Random Resolution of Tie Votes by the City Recorder.

2.34.110.9. Required City Council Action, After a Vacancy Exists for 30 Days.

2.34.110.10. Oath of Office for Newly Appointed City Council Member or Mayor.

2.34.110.11. Procedures for Simultaneously Making Multiple Interim Appointments to Fill Elected Office Vacancies.

2.34.110.1. General Statutory Authority.

The City shall comply with Utah Code Section 20A-1-510 and other applicable provisions.

2.34.110.2. Filling an Elected Office Vacancy of More than Two Years.

A vacancy in the office of City Council member or Mayor shall be filled by an interim appointment pursuant to this Chapter, particularly PMC Section 2.34.110.6 (for City Council member) or PMC Section 2.34.110.7 (for Mayor), followed by an election to fill a two-year term, if:

1. The vacancy occurs (or a letter of resignation is received: by the Mayor from a City Council member; or by the City Recorder from the Mayor) at least 14 days before the deadline for filing for election in an odd-numbered year; and

2. Two years of the vacated term will remain after the first Monday of January following the next municipal election.

2.34.110.3. Filling an Elected Office Vacancy of Less than Two Years.

If a vacancy in the office of City Council member or Mayor does not meet the time requirements of PMC Section 2.34.110.2, then the vacancy shall be filled by an interim appointment for the remainder of the term of office pursuant to this Chapter, particularly PMC Section 2.34.110.6 (for City Council member) or PMC Section 2.34.110.7 (for Mayor).

2.34.110.4. Public Notice for Making an Interim Appointment for an Elected Office.

After a vacancy occurs in the office of City Council member or Mayor, whether by resignation (there is no vacancy until the effective date of the resignation has occurred), death, moving out of City limits, removal from office, lack of candidates running for election, etc., the City Recorder shall immediately give public notice in the next available issue of the Box Elder News-Journal of the vacancy, with a second identical public notice at least two weeks before the City Council meets to fill the vacancy, and with said public notices to identify:

1. That the City Recorder is the person to whom an “applicant” (a person interested in being appointed to fill the vacancy) may submit an application; and
2. The deadline for submitting an application (which includes a signed “qualifications statement”); and
3. The date, time, and place of the meeting in which the vacancy will be filled (which shall be the earliest regular City Council meeting, or at a special meeting before then, which complies with this Chapter).

2.34.110.5. Submission of Applications (to Fill Vacancies); and Verification of Qualifications.

Applications (to fill elected vacancies) may be submitted by qualified applicants, as follows:

1. To the City Recorder (no filing fee required); and
2. By the deadline, which is by 12:00 Noon seven calendar days before the City Council meets to fill the vacancy (on the same day of the week); and
3. With a signed “qualifications statement,” which certifies that the individual meets all of the statutory qualifications, including the qualifications identified in Utah Code Sections 10-3-301, 20A-1-510, and 20A-9-203 (which includes residency requirements, registered voter status, and lack of holding multiple offices, etc.), with the City Recorder to verify said qualifications; and
4. With optional additional information, including a resume, list of relevant experience, etc.

2.34.110.6. Procedures for Making an Interim Appointment for City Council Member (by Secret ballot); and Resolution of Tie Votes by the Mayor.

For the meeting in which the City Council acts to fill a vacancy in the office of City Council member:

1. **Basic Process.** Only applicants who qualify by meeting the requirements of PMC Section 2.34.100.4 shall be considered by the City Council (an individual who has not submitted an application may not be considered). An applicant is not required (but is encouraged) to attend, and shall be allowed three minutes (in

random order) during the interim appointment portion (sometime after any public comments portion) of the agenda to state his/her qualifications. City Council members are automatically compelled to attend the meeting, as per Utah Code Section 10-3-505. During the meeting, voting (for each ballot) shall be by secret ballot (with the City Recorder to read aloud and record each anonymous vote, after all of the votes have been cast), with up to three ballots, as per Sub-Sections 2 through 4 (starting with the ballot applicable to the number of qualified applicants), as per Article IV, Section 8 of the Utah Constitution; and

2. **“First Ballot.”** When there are four or more qualified applicants, each City Council member may cast votes for up to three applicants: three votes for a first choice applicant, two votes for a second choice applicant, and one vote for a third choice applicant; with the three applicants receiving the highest number of votes advancing to the “Second Ballot,” unless one applicant receives all of the first choice votes cast (in which case said applicant shall be declared as appointed); and

3. **“Second Ballot.”** When there are three qualified applicants, each City Council member may cast votes for up to two applicants: two votes for a first choice applicant, and one vote for a second choice applicant; with the two applicants receiving the highest number of votes advancing to the “Third Ballot,” unless one applicant receives all of the first choice votes cast (in which case said applicant shall be declared as appointed); and

4. **“Third Ballot.”** When there are two qualified applicants, each City Council member may cast only one vote for a first choice applicant, with the applicant receiving the highest number of votes being appointed to fill the vacancy; and

5. **Only One Applicant.** When there is only one qualified applicant (per vacancy), the City Council shall declare said applicant(s) as being appointed to fill the vacancy(ies); and

6. **Prohibited Actions.** With regards to any ballot, a City Council member (or the Mayor) may not:

- (a) Interview any applicant(s) in a private or closed (executive) session; or
- (b) Request a procedure or cast a vote(s) which is/are contrary to the provisions of this Chapter; or
- (c) Cast any vote(s) if he/she is not present (or if he/she has resigned); or
- (d) Cast first choice and second choice vote(s), or second choice and third choice vote(s), etc., for the same applicant on the same ballot; or
- (e) Change his/her vote(s) once cast, or make a motion to reconsider or to change any vote(s) after they have been cast; or
- (f) Participate in the process or cast a vote(s) regarding his/her own replacement; and

7. **Specialty Allowed Actions.** With regards to any ballot, a City Council member may:

- (a) Choose to not cast some or all of his/her vote(s) and/or randomly cast some or all of his/her vote(s), as per PMC Section 2.34.110.8; or
- (b) Act as part of a majority of City Council members, regardless of the number, to fill any vacancy(ies) in the City Council (including the office of Mayor, who is a member of the City Council), as per Utah Code Sections

20A-1-510 and 10-3b-303; or

(c) Ask one question in the open meeting, to be answered by each applicant present, in random order (in one minute or less each), before any ballot; and

8. Resolution of Tie Votes. Although otherwise unable to cast a vote(s), in the event of a tie vote during any ballot, the Mayor may cast the deciding vote(s) to break the tie [as allowed by Utah Code Section 10-3b-302(1)(b)(i)], thus determining which tying applicant(s) shall advance to the next ballot (or which applicant shall be appointed to fill the vacancy, if the tie occurs during the Third Ballot). If the Mayor is not present or does not choose to break the tie, then the tie shall be resolved as per PMC Section 2.34.110.8.

2.34.110.7. Procedures for Making an Interim Appointment for Mayor (by Secret Ballot).

For the meeting in which the City Council acts to fill a vacancy in the office of Mayor:

1. Use City Council Member Appointment Procedures; Resolution of Tie Votes. The appointment procedures in PMC Section 2.34.110.6 (Sub-Sections 1-7) shall be followed, with any tie vote during any ballot to be resolved as per PMC Section 2.34.110.8; and

2. An Applicant May Not Participate in the Process. Other than participating as an applicant, a City Council member may not participate in any part of the process to fill a Mayor vacancy if such member is an applicant to fill said vacancy; and

3. A New Process is Required for a Resulting City Council Member Vacancy. If a City Council member is appointed pursuant to this Section (to fill a vacancy in the office of Mayor), a new interim appointment process (with a new set of public notices and applications, etc.) shall be commenced, pursuant to this Chapter, to fill the resulting City Council member vacancy (said vacancy shall not be filled at the same time).

2.34.110.8. Random Resolution of Tie Votes by the City Recorder.

In the event of: (a) a tie vote during any ballot (for the office of City Council member or Mayor), which is not otherwise resolved herein; or (b) a City Council member choosing to randomly cast some or all of his/her vote(s); then the tie shall be randomly broken (or the vote(s) shall be randomly cast) by the City Recorder, in the presence of the City Council and the public, as follows:

1. Breaking a Tie Between Two Applicants. The City Recorder shall flip a coin so that it lands on the floor, with “heads” facing up indicating that the applicant with the last name which is first in alphabetical order has “prevailed” (advanced to the next ballot or appointed to fill the vacancy; or vote cast for), and with “tails” facing up indicating that the applicant with the last name which is last in alphabetical order has prevailed; and

2. Breaking a Tie Between Three or More Applicants. With the assistance of the City Attorney, the City Recorder shall devise, explain, and use a die/dice method or some other equitable, random method of determining the applicant(s) who shall prevail; and

3. **Substitute.** In the absence of the City Recorder or City Attorney, a Deputy City Recorder or Assistant City Attorney may fulfill the responsibilities identified in this Chapter.

2.34.110.9. Required City Council Action, After a Vacancy Exists for 30 Days.

If, for any reason, the City Council does not complete the process to fill a vacancy in the office of City Council member or Mayor within 30 days after the vacancy occurs, the City Council shall immediately vote (at the next regular City Council meeting after the initial meeting to fill the vacancy(ies), or at a special meeting before then), as per Utah Code Section 20A-1-510(1)(c):

1. **“Special Ballot.”** The two applicants having previously received the highest number of votes from the City Council shall appear before the City Council, which shall vote again; with the Mayor not being allowed to cast a deciding vote; and with any tie for the second highest number of votes to first be randomly broken as per PMC Section 2.34.110.8; and
2. **Lack of Majority Vote.** If neither applicant receives a majority vote from the City Council at that time, the vacancy shall be randomly filled by the City Recorder, in the presence of the City Council and the public, as per PMC Section 2.34.110.8(1).

2.34.110.10. Oath of Office for Newly Appointed City Council Member or Mayor.

At the end of the meeting in which the City Council completes the action to fill the vacancy in the office of City Council member or Mayor (or as soon thereafter as is possible), the applicant appointed shall take the Oath of Office (shall be “sworn in”) for said office.

2.34.110.11. Procedures for Simultaneously Making Multiple Interim Appointments to Fill Elected Office Vacancies.

The following additional procedures shall apply when making multiple interim appointments to simultaneously fill multiple vacancies in the office of City Council member and/or Mayor:

1. **Same Notice.** If possible, all vacancies shall be identified in the same public notice; and
2. **Inability to Simultaneously Apply for Multiple Offices.** If vacancies simultaneously exist: (a) in the office of (one or more) City Council member(s); and (b) in the office of Mayor; then an applicant may apply for only one (not both) offices; and
3. **Order of Priority for Filling Multiple Offices.** If vacancies simultaneously exist: (a) in the office of (one or more) City Council member(s); and (b) in the office of Mayor; then the vacancy for Mayor shall first be resolved, with the newly appointed Mayor to immediately take the Oath of Office before proceeding with filling any vacancy(ies) in the office of City Council member(s); but this does not apply to a City Council member vacancy resulting from a City Council member being appointed to fill a vacancy in the office of Mayor, which

requires a new process (with a new set of public notices and applications, etc.) to be commenced, as per PMC Section 2.34.110.7(3).

4. Simultaneously Filling Multiple City Council Member Vacancies. If two vacancies simultaneously exist in the office of City Council member, said vacancies shall be simultaneously voted upon according to the procedures identified in PMC Section 2.34.110.6; with the two applicants receiving the highest number of votes during the Second Ballot being appointed to fill the vacancies; or with the City Council declaring one or both applicant(s) as being appointed to fill the vacancy(ies) when there is/are only one or two qualified applicant(s). Similar procedures shall be followed if there are three or more City Council member vacancies at the same time.

Section 2: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 3: Effective date. This Ordinance takes effect immediately after approval and posting.

PASSED AND APPROVED by the Perry City Council on this ____ day of _____, 2015.

PERRY CITY

BY _____
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

City Recorder

	Aye	Nay
CHRISTENSEN	_____	_____
GERLACH	_____	_____
MONTGOMERY	_____	_____
LEWIS	_____	_____
JANA NELSON	_____	_____

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ day of _____, 20____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

Resolution 15-04

A Perry City Resolution Approving an Interlocal Cooperation Agreement for Fire Protection and Ambulance Services With Brigham City.

WHEREAS, Perry City (hereafter sometimes referred to as "City" or "municipality") is a municipal corporation duly incorporated and existing under the laws of Utah; and Title 10, Chapter 9a of the *Utah Code Annotated*, 1953, as amended, authorizes the City to regulate land use and development; and *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order.

WHEREAS, Brigham City "BRIGHAM" and Perry City "PERRY" have negotiated terms and conditions of an Inter local cooperation agreement (the "Agreement"); and

WHEREAS, Section 11-13-202.5 of the Interlocal Cooperation Act requires interlocal Cooperation agreements to be authorized and adopted by resolution of the legislative body or Governing board of Brigham and Perry pursuant to and in accordance with the provisions of; and

WHEREAS, the Interlocal cooperation agreement is attached as Exhibit "A".

WHEREAS, Brigham and Perry have previous agreements regarding fire, ambulance and fire marshal services. This agreement shall supersede all previous agreements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PERRY AS FOLLOWS:

Section 1. The City Council of Perry City approves the attached Agreement.

Section 2: This Resolution shall take effect upon its adoption.

Section 3: The Agreement shall become effective upon the beginning of the new fiscal year, July 1, 2015, allowing the previous Interlocal Cooperation Agreement term to end before the new Agreement begins.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this ____ day of March, 2015.

PERRY CITY

BY _____
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

	Aye	Nay
CHRISTENSEN	_____	_____

City Recorder

GERLACH
MONTGOMERY
LEWIS
JANA NELSON

Resolution 15-05

A Perry City Resolution Requiring Burn Permits within Perry City Boundaries to be Obtained Through Brigham City as Part of the Interlocal Agreement for Fire Protection and Ambulance Services.

WHEREAS, Perry City (hereafter sometimes referred to as “City” or “municipality”) is a municipal corporation duly incorporated and existing under the laws of Utah; and Title 10, Chapter 9a of the *Utah Code Annotated*, 1953, as amended, authorizes the City to regulate land use and development; and *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order.

WHEREAS, Brigham City "BRIGHAM" and Perry City "PERRY" have negotiated terms and conditions of an Inter local cooperation agreement approved by the City Council on March 5, 2015; and

WHEREAS, Section 11-13-202.5 of the Interlocal Cooperation Act requires interlocal Cooperation agreements to be authorized and adopted by resolution of the legislative body or Governing board of Brigham and Perry pursuant to and in accordance with the provisions of; and

WHEREAS, Brigham City "BRIGHAM" and Perry City "PERRY" have agreed to terms and conditions regarding Perry City burn permits to be acquired through Brigham City as part of the costs already negotiated in the Inter local cooperation agreement approved by the City Council on March 5, 2015; and

WHEREAS, BRIGHAM and PERRY believing it to be in the best interest of both Cities and will decrease the miscommunication and confusion between Perry City residents and Brigham City Fire personnel; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PERRY AS FOLLOWS:

Section 1. The City Council of Perry City approves this Resolution requiring burn permits within Perry City to be obtained through Brigham City the cost of said service is included in the Interlocal Agreement for Fire Protection and Ambulance Services that was previously approved by Brigham City and Perry City. The burn permits shall be obtained in accordance with the terms and conditions negotiated with Brigham City which can be found at brighamcity.utah.gov/burn-permit-information.htm.

Section 2: This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this ____ day of April, 2015.

PERRY CITY

BY _____
Mayor Karen Cronin

ATTEST:

City Recorder

COUNCIL MEMBERS: VOTING

	Aye	Nay
CHRISTENSEN	_____	_____
GERLACH	_____	_____
MONTGOMERY	_____	_____
LEWIS	_____	_____
JANA NELSON	_____	_____

New Residential Open Burning Regulations

Open burning is a source of air pollution that is regulated by the Utah Division of Air Quality (DAQ). There are statewide rules in place that regulate open burning activities. Recent modifications to these rules change the open burn periods and include a statewide requirement to obtain a DAQ Online Open Burn Permit Application prior to burning.

The Utah Division of Air Quality requires the clearing index **MUST** be above 500. Click the link below to check the clearing index on the day you wish to burn. Brigham City is located within index #4.

http://www.wrh.noaa.gov/slc/projects/ifp/html/webSMF_new.php

1. **Residential burn permits** are limited to yard waste and or natural vegetation waste. No burning of cardboard, wood, plastic, or any type of construction waste is permitted. Brigham City provides a combined compost/green waste/recycling facility located at 820 North Watery Lane, which is open to all Brigham City citizens. Use of this facility is strongly encouraged prior to burning.

Residential burn permits are only issued during the state's open burn window. Open burn periods by the State of Utah are:

- Spring: March 30 – May 30.
- Fall: September 15 – October 30.

No burning shall be started before 8:00 a.m. or after 6:00 p.m. **If there is not an open burn window or if the clearing index is forecast to be below 500, the program will not allow a person to complete the application.**

- Any permitted burning must be at-least 25' from any structure or any other combustible material or items. (This includes other vegetation)
- The burn **MUST** be attended at all times until the fire is extinguished.
- The fire must be extinguished before dark.
- Sunday burning is not permitted.

If completing the open burn permit application online is not an option, a hard copy of the application may be completed and submitted by mail to the DAQ for electronic processing. To request a hard copy of the open burn permit application, contact the DAQ by phone at (801) 536-4000. Please note: it may take up to 14 days from the date of request to receive an open burn permit if a hard copy is submitted for processing.

2. **Agriculture burning** is regulated by [Utah Administrative Rule R307-202](#), and Utah Code Annotated, [\(UCA\) 11-7-1](#). *Except for areas zoned as residential*, agriculture burning is allowed **without a permit and is not subject to the burn index** when meeting these requirements;

Provisions of Utah Administrative Rule R307-202 are not applicable to:

- Burning incident to **horticultural or agricultural operations** of:

- Pruning's from trees, bushes, and plants; and
- Dead or diseased trees, bushes, and plants, including stubble.
- Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes.
- Controlled heating of orchards or other crops during the frost season to lessen the chances of their being frozen so long as the emissions from this heating do not cause or contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved State Implementation Plan.
- The burn MUST be attended at all times until the fire is extinguished.
- The fire must be extinguished before dark.
- Sunday burning is not permitted.

As provided for in Utah Code 11-7-1

A permit will not be required for the burning of fence lines on cultivated lands, canals, or irrigation ditches, provided that the individual notifies the fire department of the approximate time that the burning will occur. Notification will take place by using the State Department of Air Quality link below.

- Agricultural permits shall be obtained by the State Department of Air Quality (DAQ), at this link, **(Applicable during open burn window only)**. A copy of the issued permit is required to be available at the burn site. <http://www.airquality.utah.gov/aqp/OpenBurning/form/index.php>
- The burn MUST be attended at all times until the fire is extinguished.
- The fire must be extinguished before dark.
- Sunday burning is not permitted.

Click this Link to notify the Fire Department; [NOTIFY](#)

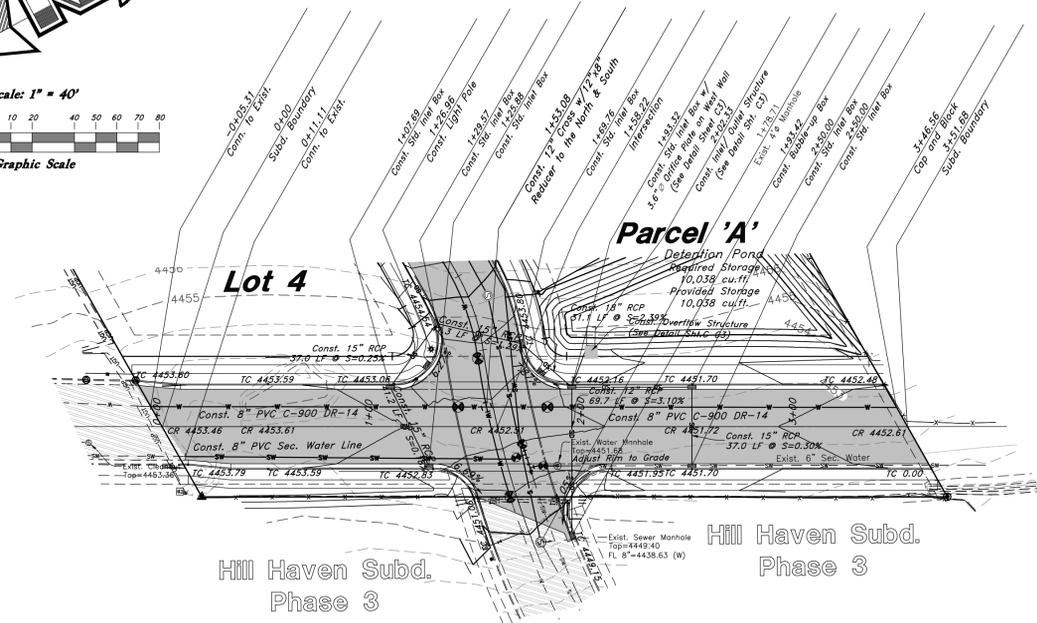
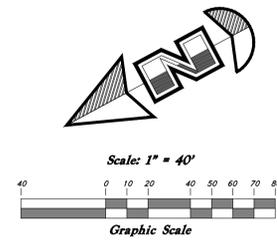
3. Recreational Fires:

All commercially sold grills and free standing outdoor fire places/pits must be used as recommended by the manufacturer.

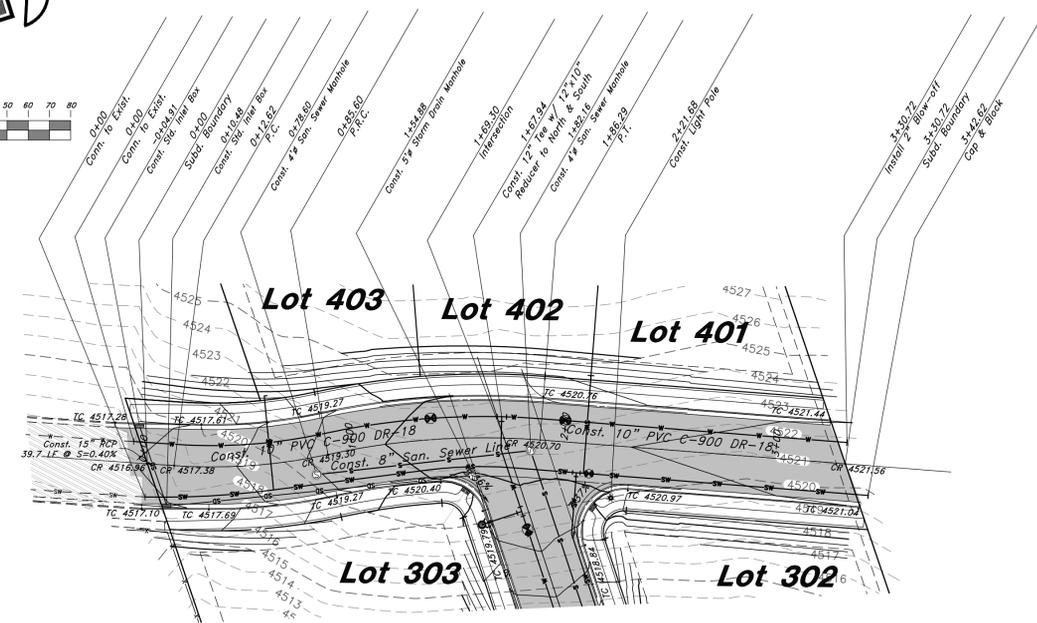
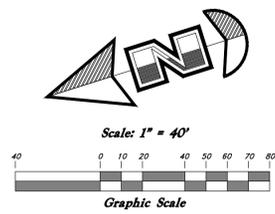
Permits are not required for recreational fires; however, the following criteria must be met:

- The term Recreational fire is the burning of only clean, dry wood and/or charcoal; and when the total fuel area is less than 3 feet in diameter and less than 3 feet high.
- Recreational fires shall be located 25 feet away from all structures, combustible materials, and lot lines.
- Recreational fires are prohibited when the clearing index is below 500.
- A person knowledgeable in the use of fire extinguishing equipment shall constantly attend recreational fires until the fire has been completely extinguished.

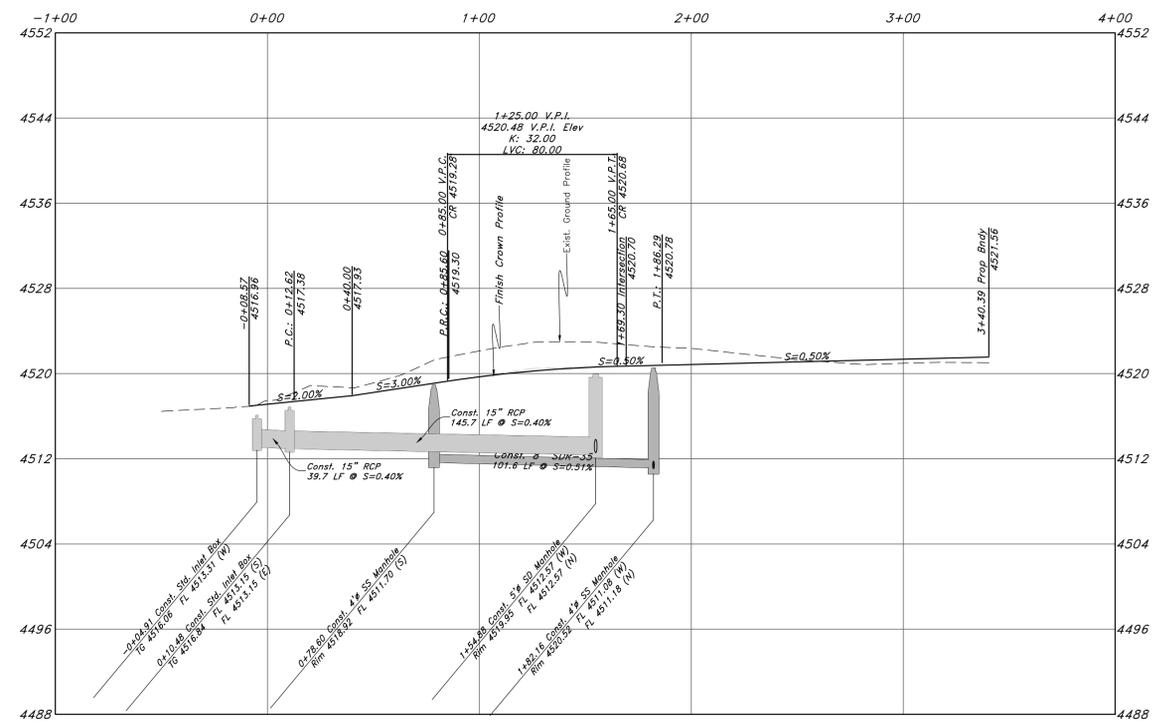
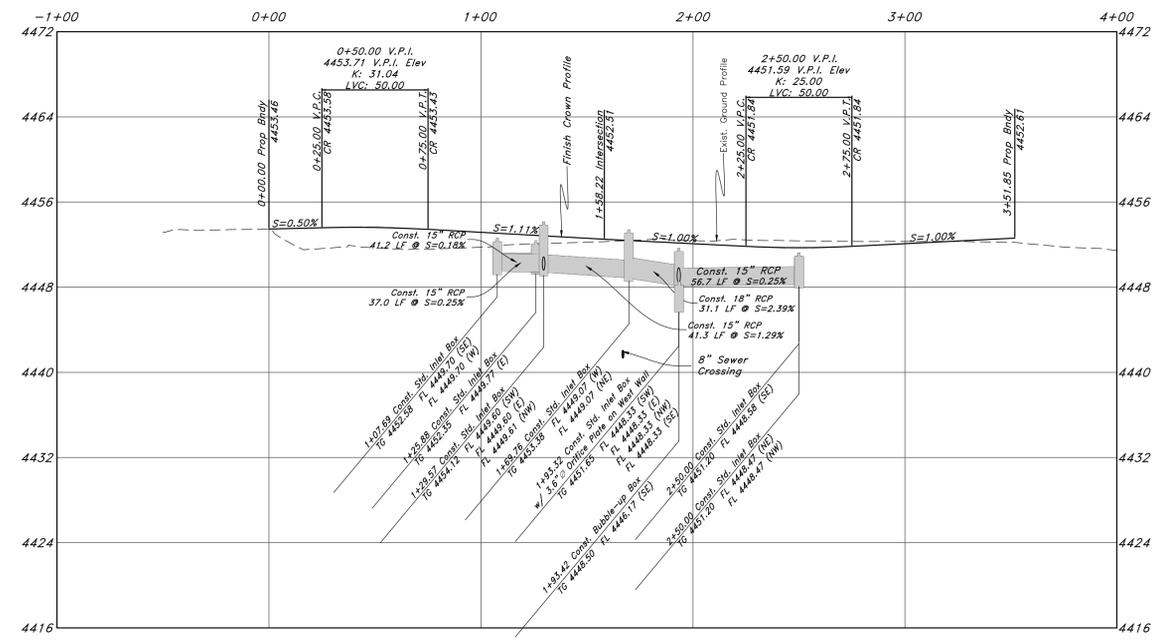
NOTE: A site visit may be required by Fire Department personnel prior to burning. If the Fire Department responds to a complaint of smoke or the fire is out of control and the above criteria have not been met, fees may be assessed.



Canyon View Drive



Valley View Drive



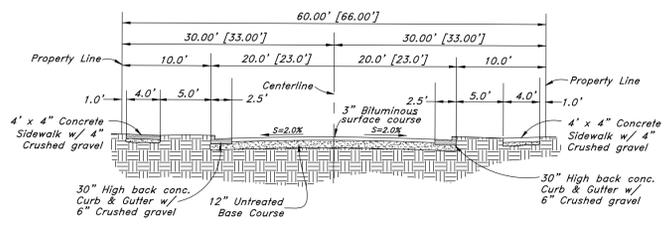
Legend

(Note: All items may not appear on drawing)

San. Sewer Manhole	⊕	Corrugated Metal Pipe	CMP	Existing Asphalt	
Water Manhole	⊕	Concrete Pipe	CP	New Asphalt	
Storm Drain Manhole	⊕	Reinforced Concrete Pipe	RCP	Heavy Duty Asphalt	
Cleanout	⊕	Ductile Iron	DI	Existing Concrete	
Electrical Manhole	⊕	Polyvinyl Chloride	PVC	New Concrete	
Catch Basins	⊕	Top of Asphalt	TA	Spill Curb & Gutter	
Exist. Fire Hydrant	⊕	Edge of Asphalt	EA	Demo Tree	
Exist. Water Valve	⊕	Centerline	CL		
Water Valve	⊕	Flowline	FL		
Sanitary Sewer	—	Finish Floor	FF		
Culinary Water	—	Top of Curb	TC		
Storm Drain	—	Top of Wall	TW		
Secondary Sewer	—	Top of Walk	TW		
Gas Line	—	Top of Concrete	TCN		
Irrigation Line	—	Natural Ground	NG		
Storm Drain	—	Finish Grade	FG		
Secondary Waterline	—	Match Existing	ME		
Power Line	—	Fire Department Connection	FDC		
Fire Line	—	Telephone Line	TL		
Land Drain	—	Fire Contour	FC		
Power pole w/guy	⊕	Exist. Contour	EC		
Light Pole	⊕	Finish Grade	FG		
Fence	—	Exist. Grade	EG		
Flowline of ditch	—	Ridge Line	RL		
Overhead Power Line	—				

- GENERAL NOTES:**
- All construction must meet or exceed Perry City Standards.
 - Culinary Water services will be extended 10' beyond Right-of-way line and Centered in Lots.
 - Sanitary Sewer will be extended 10' beyond the Right-of-way line 10.0' on the Downhill side of the Center of Lots.
 - Saw Cut Existing Asphalt to provide a smooth clean edge.
 - All Utility trenches within the Street right of way shall have a City approved imported granular backfill.
 - All Irrigation construction shall be coordinated with Pineview Water Systems

BENCHMARK:
Top of Brass Cap Monument at the Northwest Corner of Section 36, T9N, R2W, SLB&M, U.S. Survey.
Elevation 4299.98



Typical Street Section

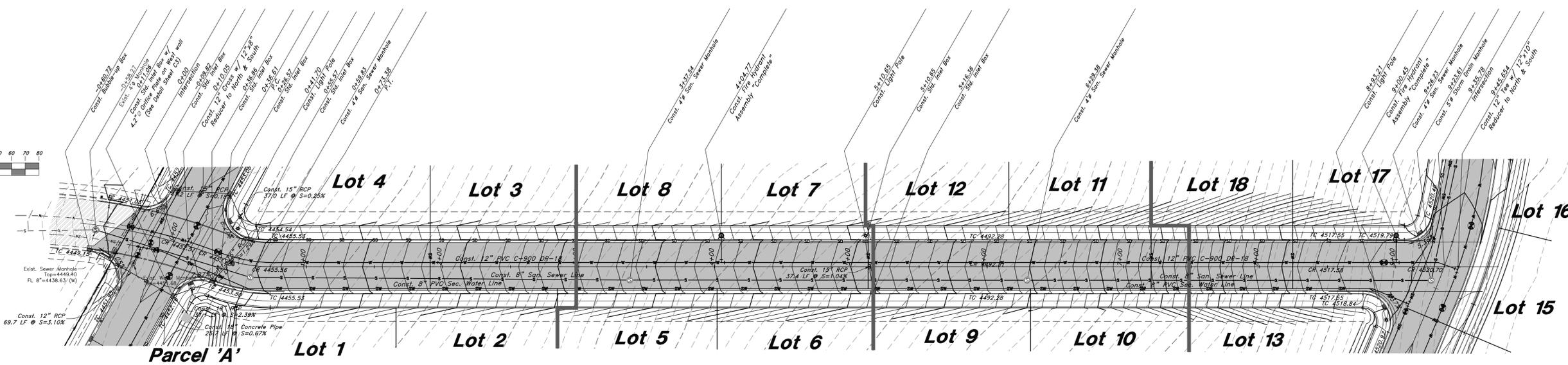
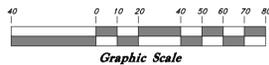
GREAT BASIN ENGINEERING
 5746 SOUTH 1475 EAST, OGDEN, UTAH 84403
 MAIN 801.759.4455 FAX 801.759.27544
 WWW.GREATBASINENGINEERING.COM

Taylor's Cove Phase 1
 Approx. 1650 South 1575 West
 Parry City, Box Elder County, Utah
 A part of Section 36, T9N, R2W, SLB&M, U.S. Survey

5 June, 2005
 SHEET NO. **C1**
 10N718



Scale: 1" = 40'



Legend

(Note: All items may not appear on drawing)

San. Sewer Manhole	⊙	Corrugated Metal Pipe	CMP	Existing Asphalt	
Water Manhole	⊙	Concrete Pipe	CP	New Asphalt	
Storm Drain Manhole	⊙	Reinforced Concrete Pipe	RCP	Heavy Duty Asphalt	
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Gas Line	—G—	Top of Walk	TW		
Irrigation Line	—I—	Top of Concrete	TCN		
Storm Drain	—SD—	Natural Ground	NG		
Telephone Line	—T—	Finish Grade	FG		
Secondary Waterline	—SW—	Match Existing	ME		
Power Line	—P—	Fire Department Connection	FDC		
Fire Line	—F—	Finish Contour	FC		
Land Drain	—LD—	Exist. Contour	EC		
Power pole w/guy	⊙	Finish Grade	95.3374		
Light Pole	⊙	Exist. Grade	95.718		
Fence	—X—	Ridge Line	R		
Flowline of ditch	—D—				
Overhead Power Line	—OHP—				

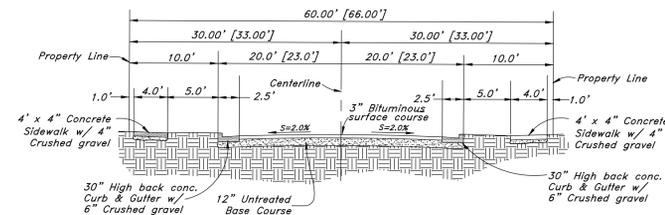
Hill Haven Drive

GENERAL NOTES:

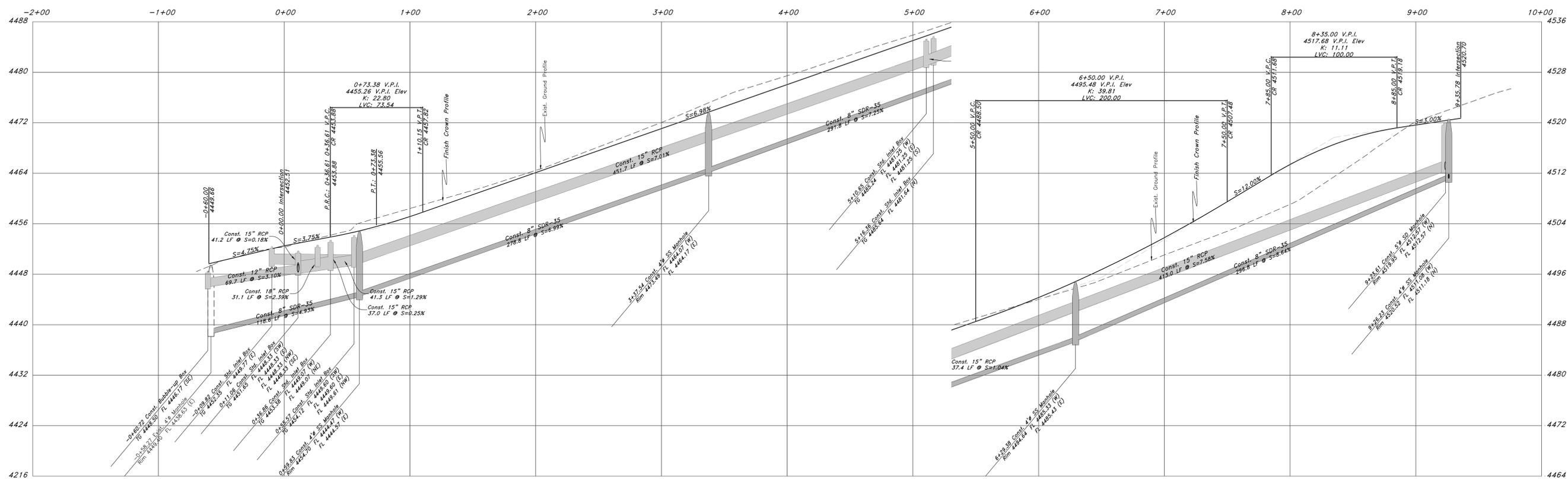
- All construction must meet or exceed Perry City Standards.
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- Sanitary Sewer will be extended 10' beyond the Right-of-way line 10.0' on the Downhill side of the Center of Lots.
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BENCHMARK:

Top of Brass Cap Monument at the Northwest Corner of Section 36, T9N, R2W, SLB&M, U.S. Survey.
Elevation 4299.98



Typical Street Section



GREAT BASING ENGINEERING

1475 EAST OGDEN, UTAH 84403
 1515 G. 1601521-0221 FAX 801392-7544
 W.W. BRETT BASKIN ENGINEERING CO. W

Plan / Profile

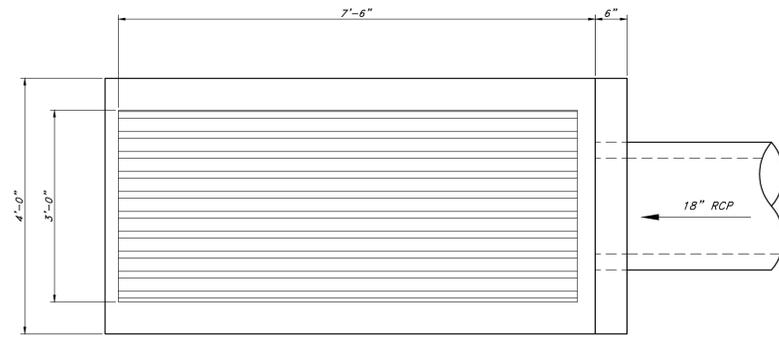
Taylor's Cove Phase 1
 Approx. 1650 South 1575 West
 Perry City, Box Elder County, Utah
 A part of Section 36, T9N, R2W, SLB&M, U.S. Survey

5 June, 2005

SHEET NO.

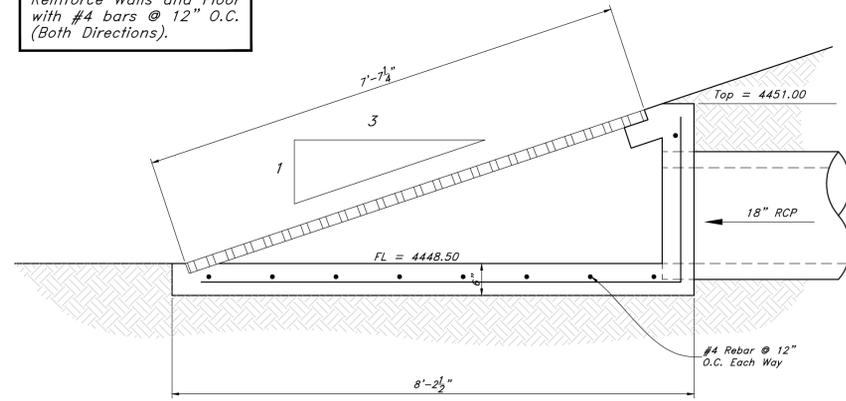
C2

10N718



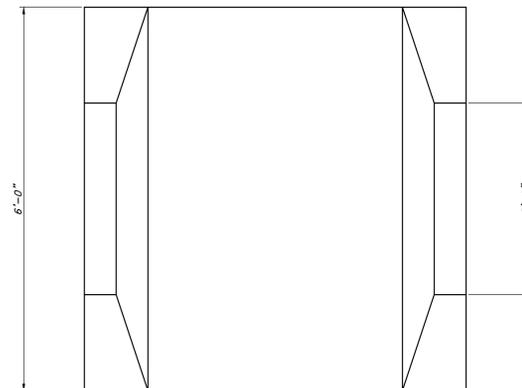
Plan

Note:
Reinforce Walls and Floor
with #4 bars @ 12" O.C.
(Both Directions).



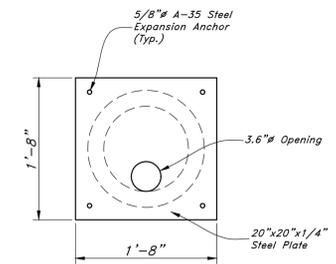
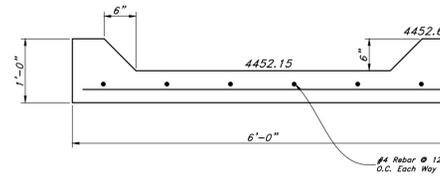
Inlet / Outlet Structure

Scale: 3/4" = 1'-0"



Concrete Overflow Structure

Scale: 3/4" = 1'-0"



Orifice Plate Detail

Scale: 1" = 1'-0"

GREAT BASIN ENGINEERING
 5746 SOUTH 1475 EAST, OGDEN, UTAH 84403
 MAIN 801-944-5155 • FAX 801-521-0222 • EX 801-392-7544
 WWW.GREATBASINENGINEERING.COM

Inlet / Outlet Structure
Taylor's Cove Phase 1
 Approx. 1650 South 1575 West
 Perry City, Box Elder County, Utah
 A part of Section 36, T9N, R2W, SL&M, U.S. Survey

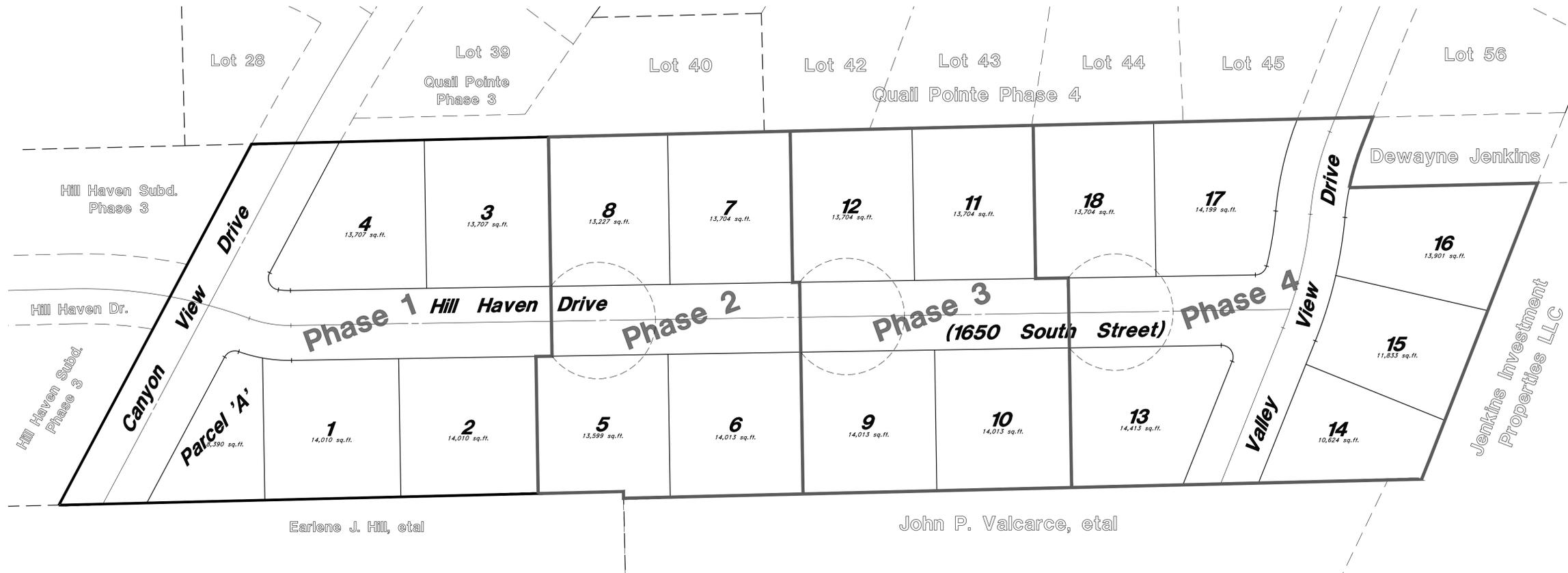
5 June, 2005

SHEET NO.
C3

10N718



LEGEND					
—C—	Centerline	TA	Top of Asphalt	C.M.P.	Corrugated Metal Pipe
—UGT—	Buried Telephone line	EA	Edge of Asphalt	R.C.P.	Reinforced Concrete Pipe
—OHT—	Overhead Telephone line	NG	Natural Ground	CONC	Edge of Concrete
—OHP—	Overhead Power line	LG	Lip of Gutter	RWALL	Retaining Wall
—UGP—	Power line	SP	Service Pole	SMH	Sewer Manhole
—S—	Sanitary Sewer line	LP	Light Pole	WV	Water Valve
—W—	Culinary Water line	PP	Power Pole	CB	Catch Basin
—G—	Gas line	TP	Telephone Pole	DV	Diversion Box
—SD—	Storm Drain line	FH	Fire Hydrant	TC	Top of Curb
—SW—	Secondary Waterline	DIT	Flowline of Ditch	SW	Sidewalk
—LD—	Land Drain line	TOL	Toe of Slope	GAS	Gas line Marker
—IW—	Irrigation Waterline	TOP	Top of Slope	GUY	Guy Wire
—X—X—X—	Fence	CO	Cleanout	BLDG	Building Corner
•	Power Pole	FC	Fence	NG	Natural Ground
•	Post	DMH	Drain Manhole	△	Fire Hydrant
⊙	Water Meter	—x99.00	Flowline	⊙	Water Valve
⊙	Gas Meter	—	Spot Elevation	⊙	Light Pole
⊙	Telephone Box	—	Contour	⊙	Power Pole w/guy
⊙	Sewer Manhole	—	Asphalt	⊙	Deciduous Tree
⊙	Drain Manhole	—	Gravel	⊙	Coniferous Tree
⊙	Water Manhole	—	Building		
⊙	Cleanout Box	—	Catch Basin		



GREAT BASIN ENGINEERING

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 WWW.GREATBASINENGINEERING.COM

Phasing Plan

Taylor's Cove Phase 1

350 West Hill Haven Drive
 Perry City, Box Elder County, Utah
 A part of the North 1/2 of Section 36, T9N, R2W, S18&M, U.S. Survey

5 June, 2014

SHEET NO.

C4

10N718-Final

ENGINEER'S ESTIMATE**TAYLORS COVE SUBDIVISION: Waterline Upsize Cost Share**

Date: March 26, 2015

Project: Taylors Cove Subdivision Future 12" Waterline for Future Water Tank

Participants: Perry City Corporation / Wendy Jensen



~ Estimate of Perry City cost share to increase diameter from standard 8" to 12"

WATERLINE WORK		PLAN QUANTITY		8" WATERLINE (Developer's Responsibility)			12" WATERLINE COST			DIFFERENCE (City Responsibility)
ITEM	DESCRIPTION	QUA.	UNIT	UNIT COST	UNIT	TOTAL	UNIT COST	UNIT	TOTAL	TOTAL
PHASE 1 ONLY										
1	Furnish & install C-900 waterline including miscellaneous fittings	297	l.f.	\$24.24	l.f.	\$7,199.28	\$35.12	l.f.	\$10,430.64	\$3,231.36
2	Furnish & install Gate/Butterfly Valve	1	ea.	\$1,340.41	ea.	\$1,340.41	\$1,551.53	ea.	\$1,551.53	\$211.12
3	Furnish & install water service lateral saddle	4	ea.	\$360.00	ea.	\$1,440.00	\$478.74	ea.	\$1,914.96	\$474.96
4	Furnish & install fire hydrant tee & associated thrust block	0	ea.	\$750.00	ea.	\$0.00	\$1,028.65	ea.	\$0.00	\$0.00
5	Furnish & install waterline connection reducers	1	ea.	\$850.00	ea.	\$850.00	\$1,500.24	ea.	\$1,500.24	\$650.24
Total Cost - Phase 1				\$10,829.69			\$15,397.37			\$4,567.68
REMAINING PHASES										
1	Furnish & install C-900 waterline including miscellaneous fittings	1,006	l.f.	\$24.24	l.f.	\$24,385.44	\$35.12	l.f.	\$35,330.72	\$10,945.28
2	Furnish & install Gate/Butterfly Valve	2	ea.	\$1,340.41	ea.	\$2,680.82	\$1,551.53	ea.	\$3,103.06	\$422.24
3	Furnish & install water service lateral saddle	14	ea.	\$360.00	ea.	\$5,040.00	\$478.74	ea.	\$6,702.36	\$1,662.36
4	Furnish & install fire hydrant tee & associated thrust block	2	ea.	\$750.00	ea.	\$1,500.00	\$1,028.65	ea.	\$2,057.30	\$557.30
5	Furnish & install waterline connection reducers	2	ea.	\$850.00	ea.	\$1,700.00	\$1,500.24	ea.	\$3,000.48	\$1,300.48
Total Cost - Remaining Phases				\$35,306.26			\$50,193.92			\$14,887.66

NOTE: Estimated waterline costs shown are from the subdivision utility contractor, Ormond Construction. They have been compared to City Projects bid in Perry and Brigham City between August and December of 2014. They include the total cost difference (labor & materials) in diameter including pipe, fittings, service connections, fire hydrants, and connections to existing piping.

Taylor's Cove

A part of the North 1/2 of Section 36, T9N, R2W, SLB&M, U.S. Survey
 Perry City, Box Elder County, Utah
 May 2014

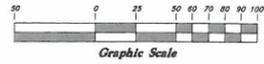
SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242220 in accordance with Title 58 Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I also do hereby certify that Taylor's Cove in Perry City, Box Elder County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Box Elder County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monumented Lot corners have been set as shown on this drawing.
 Signed this _____ day of _____, 2014.

Andy Hubbard



Scale: 1" = 50'



Legend

- ▲ Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- ⊙ Set Hub & Tack
- ⊕ Monument to be set (Rad.) Radial Line
- ⊖ Monument to be set (N/R) Non-Radial Line
- Fence
- PU&DE Public Utility & Drainage Easement

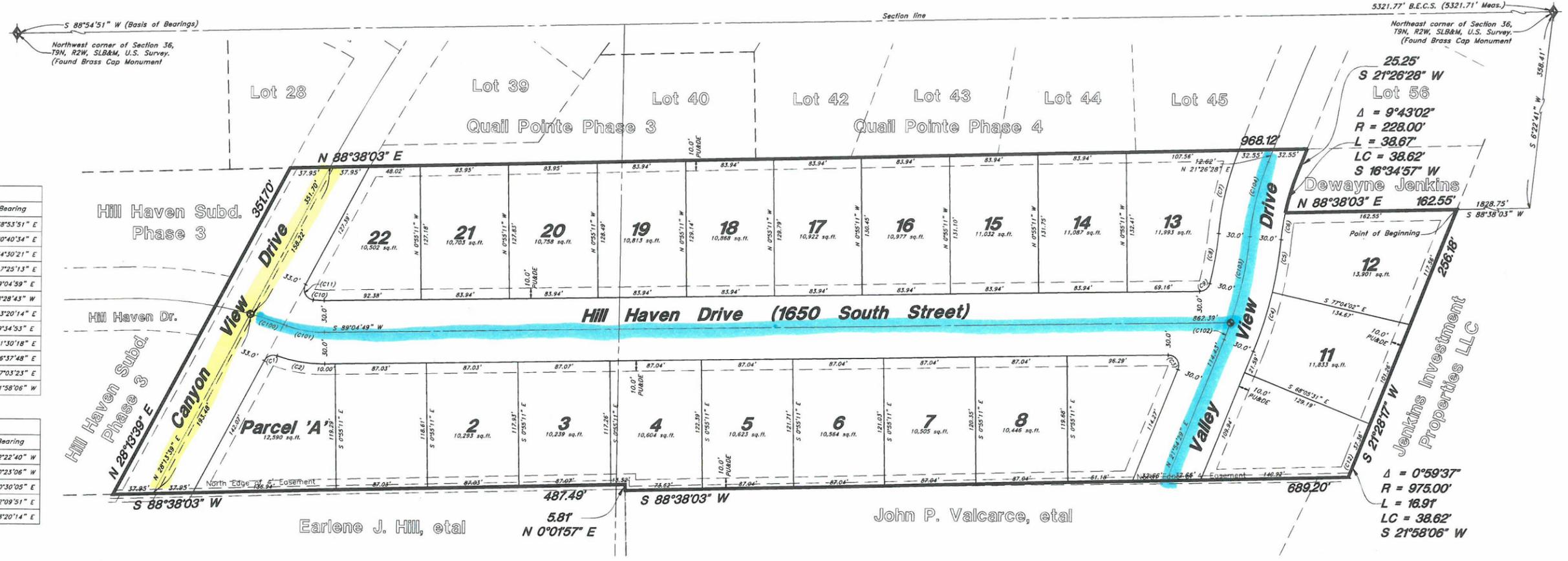
NOTE:

1. 10' Wide Public Utility Easements along the front and rear of each lot as shown.
2. #5 rebar and surveyor's cap set at back lot corners. Copper rivet to be set in the curb at lot line extension.

- 12" UPSIZE WATERLINE
- WENDY JENSEN 8" WATERLINE

PROPERTY LINE CURVE DATA				
Curve	Delta	Radius	Length	Bearing
(C1)	81°20'26"	10.00'	14.20'	N 68°53'51" E
(C2)	20°29'15"	130.00'	46.48'	S 80°40'34" E
(C3)	112°49'39"	10.00'	19.69'	S 34°30'21" E
(C4)	8°58'31"	376.00'	58.90'	N 17°25'13" E
(C5)	7°41'57"	376.00'	50.53'	N 9°04'59" E
(C6)	6°29'25"	228.00'	25.83'	S 8°28'43" W
(C7)	16°12'27"	288.00'	81.47'	N 13°20'14" E
(C8)	8°41'45"	316.00'	47.96'	N 9°34'53" E
(C9)	75°09'03"	10.00'	13.12'	N 51°30'18" E
(C10)	8°34'45"	70.00'	10.48'	S 86°37'48" E
(C11)	110°34'04"	10.00'	19.30'	S 27°03'23" E
(C12)	0°59'37"	975.00'	16.91'	S 21°58'06" W

CENTERLINE CURVE DATA				
Curve	Delta	Radius	Length	Bearing
(C100)	5°03'19"	414.92'	36.81'	N 72°22'40" W
(C101)	21°04'11"	100.00'	36.77'	N 80°23'06" W
(C102)	2°48'48"	346.00'	16.99'	N 20°30'05" E
(C103)	13°51'40"	346.00'	83.71'	N 12°09'51" E
(C104)	16°12'27"	258.00'	72.98'	N 13°20'14" E



PLANNING COMMISSION APPROVAL

Approved this _____ day of _____, A.D. 2014
 by the Perry City Planning Commission.

Chair _____ Planning Commission

CITY ENGINEER

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in the Perry City Office

Date _____ Engineer _____

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots, Parcels and Streets as shown on this plat, and name said tract Taylor's Cove, and hereby dedicate to Perry City, Box Elder County, Utah all those portions of said tract of land designated as Streets, the same to be used as public thoroughfares forever, also those certain strips of land designated as easements for Public Utility and Drainage purposes as shown hereon, also those certain portions designated as Parcels, for Public Utility, Drainage, and Irrigation purposes, as shown hereon, the same to be used for the installation, maintenance and operation of Public Utility, and Drainage. Service lines and above ground Drainage as may be authorized by Perry City, I also dedicate, grant and convey to the Taylor's Cove Home Owners Association all those parts or portions of said tract designated as Parcels, for the common use of all the Lot Owners in said Taylor's Cove and for Storm Drainage Detention as may be Authorized by said Home Owners Association.
 Signed this _____ day of _____, 2014.

ACKNOWLEDGMENT

State of Utah
 County of Weber } ss
 The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by _____
 Residing At: _____ A Notary Public commissioned in Utah
 Commission Number: _____
 Commission Expires: _____
 Wendy Jensen
 Print Name _____

BOUNDARY DESCRIPTION

A Part of the North Half of Section 36, Township 9 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Perry City, Box Elder County, Utah
 Beginning at a point which is 358.41 feet South 6°22'41" West and 1828.75 feet South 88°38'03" West from the Northwest corner of said Section 36, and running thence South 21°28'17" West 258.16 feet to a point of curvature; thence Southwesterly along the arc of a 975.00 foot Radius, non-tangent curve to the right a distance of 16.91 feet (Delta Angle Equals 0°59'37", Center bears North 68°31'43" West, Long Chord bears South 21°58'06" West 16.91 feet) to a point of non-tangency; thence South 88°38'03" West 689.20 feet; thence North 0°01'57" East 5.81 feet; thence South 88°38'03" West 487.49 feet to the Southeast corner of Hill Haven Subdivision Phase 3, Perry City, Box Elder County, Utah; thence North 28°13'39" East 351.70 feet along the East line of said Hill Haven Subdivision Phase 3 to a point on the South line of Quail Pointe Phase 3, Perry City, Box Elder County, Utah; thence North 88°38'03" East 968.12 feet; thence South 21°26'28" West 25.25 feet to a point of curvature; thence Southwesterly along the arc of a 228.00 foot Radius curve to the left a distance of 38.67 feet (Delta Angle equals 9°43'02", Long Chord bears South 16°34'57" West 38.67 feet); thence North 88°38'03" East 162.55 feet to the point of beginning.
 Contains: 7.985 acres

NARRATIVE

This Property and Topographic Survey was requested by Ms. Wendy Jensen for the purpose of establishing the boundaries and prepare the property for development. Brass Cap Monuments were found at the Northwest corner and the Northeast corner of Section 36, T9N, R2W, SLB&M, U.S. Survey.
 Centerline Street Monuments were found at multiple points along Hill Haven Drive, in all 3 Phases of the Hill Haven Subdivision. These Monuments were found to be in a different relationship with the Section corners than what is shown on the recorded plats. These Monuments were held and used to position the Hill Haven Subdivision on the ground.
 Plugs were found in the top back of curb at the extension property lines of Lot 40, Quail Pointe Phase 3, the positions of these plugs have a similar difference in relationship to the section corners as the centerline street monuments in Hill Haven Drive.

CITY ATTORNEY

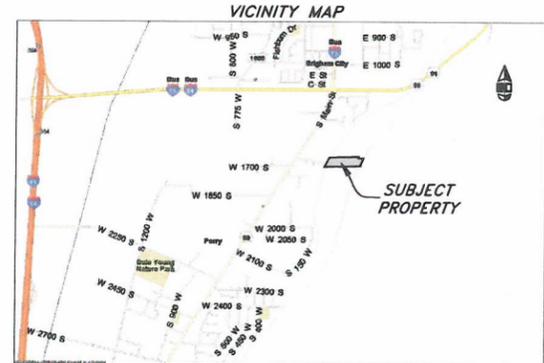
Approved as to form this _____ day of _____, A.D. 2014.

Perry City Attorney

APPROVAL AND ACCEPTANCE

Presented to the _____ this _____ day of _____, A.D. 2014 at which time this subdivision was approved and accepted

Attest Recorder _____ Mayor _____



BOX ELDER COUNTY RECORDER
 ENTRY NO. _____ FEE PAID _____
 RECORDED _____ FILED FOR RECORD AND AT _____
 RECORDS, PAGE _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____
 WEBER COUNTY RECORDER
 BY: _____ DEPUTY



Development of Water Quality Standards for Willard Spur

**Update on Evaluation of
Perry Willard Regional
Wastewater Plant Impacts**



Photo: John Luft/UDWR, July 17, 2012

View or add comments



Willard Spur Research Plan

What water quality standards are fully protective of beneficial uses of Willard Spur waters as they relate to the proposed POTW?

What are the potential impacts of the Perry Willard Regional Wastewater Treatment Plant on Willard Spur?

What will be required to provide long term protection of Willard Spur?

Make Recommendations

Research Area 1
Food Web

Research Area 3
Eutrophication
Responses

Bird Survey, Use and Diet Study

Fish Survey and Use Study

Macroinvertebrates Study

Habitat/Vegetation Study

Estimating a Water Mass Balance

Estimating a Nutrient Mass Balance

Continuation of Current Field Sampling

Nutrient Cycling - Sediment

Nutrient Cycling - Vegetation

Looking at historic and current changes due to nutrients

Looking at potential future changes due to nutrients



If the Plant does have an impact, what options could be considered?

- **What goals would any recommendations to minimize impacts from the Plant need to achieve?**
 - Reduce the nutrient concentration and load
 - Reduce the quantity of water and load
 - Minimize incidence of discharge
 - If discharge, maximize the peak of discharge to minimize period of discharge





Options to Consider for the Plant

- **Modify UPDES permit to define discharge locations**
- **Maintain chemical phosphorus removal**
- **Discharge to private property/pasture**
 - Formalize agreement with landowner
 - Land application requirements/permits
 - Water management plan





Options to Consider for the Plant

- **Re-purpose State Park Lagoons**
 - Connect State Park to the Plant
 - Storage/evaporation of effluent
 - Nutrient reduction
 - Will require a management plan
- **Constructed Treatment Wetland**
- **Phragmites control plan**



Path to Completion

2011

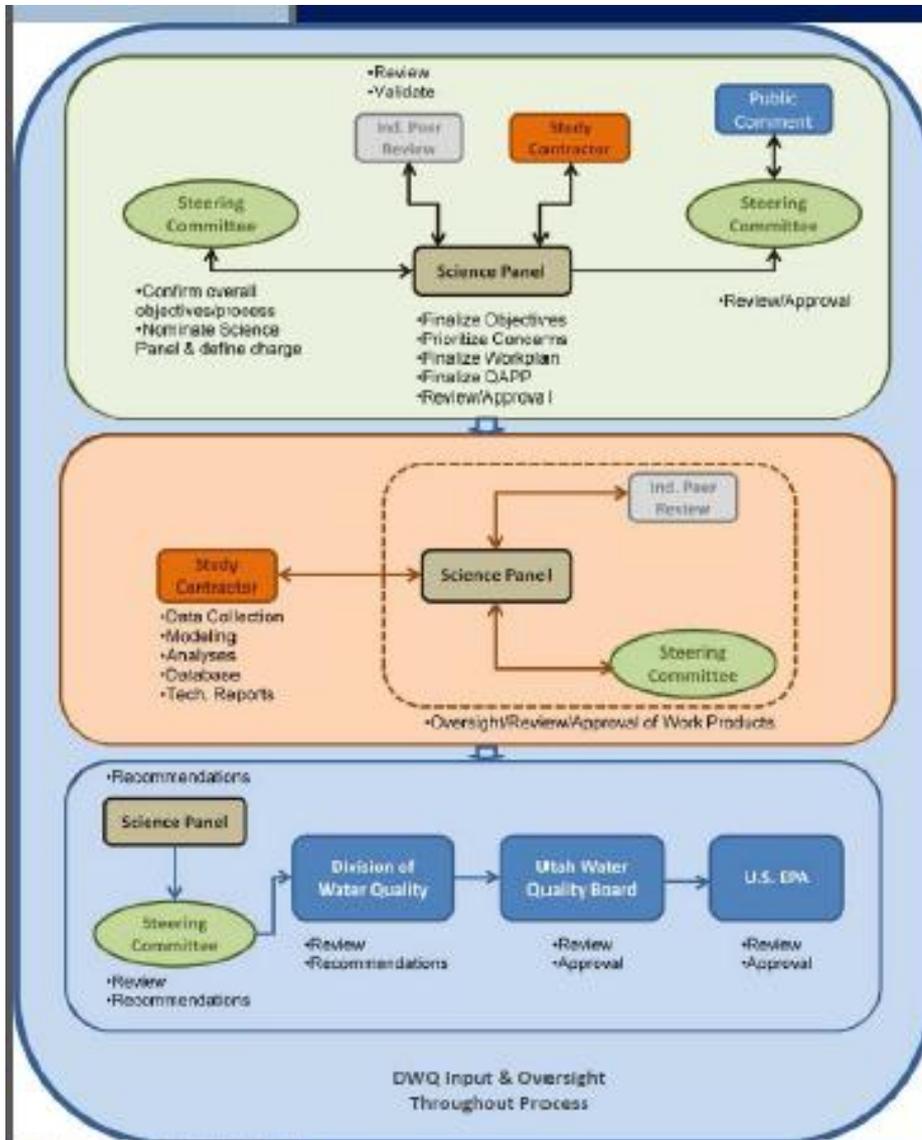
Plan Formulation

2012-2013

Research & Evaluation

2014

Reporting & Recommendations



Ordinance 15-H

An Ordinance Amending

AN ORDINANCE OF PERRY CITY, AMENDING TITLE 8, CHAPTER 01 SECTION 070; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Perry City (hereafter sometimes referred to as “City” or “municipality”) is a municipal corporation duly incorporated and existing under the laws of Utah; and *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order; and

WHEREAS, the City Council deems it necessary to amend the Perry City Municipal Code to detail the procedures for seeking reimbursement for fire and ambulance services provided by Brigham City and billed to Perry City; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Perry, Utah, as follows:

Section 1. Enactment. *Section 8.01.070* of the *Perry City Municipal Code* is enacted to read as follows:

[8.01.070 Violation And Penalty](#)

The following regarding violations and penalties:

1. Any person who shall violate or fail to comply with the provisions of this chapter shall, for each day for each violation or noncompliance be guilty of a separate class “B” misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than six months, or by both such fines and imprisonment, for each offense.
2. Any person responsible for the creation and/or spreading of any uncontrolled or unattended fire, or any other fire, on public or private property, necessitating suppression action by the City or state shall be liable to the City or state for the payment of all costs associated with that fire.
3. Any person who causes by their action or inaction causes the response by emergency services, either for fire or ambulance shall be liable to the City for payment of all costs associated with the response.
4. Land owners and/or tenants shall be liable to the City for the payment of all costs associated with emergency services, either fire or ambulance that responds and/or provides emergency services to protect their land and/or buildings located upon their land.
5. Any person deemed liable to the City for emergency services provided herein shall make payment for said services within thirty (30) days of receipt of request for payment or invoice from the City. If payment in full is not received by the City within thirty (30) days the amount due will be subject to a penalty of 1.8%, the matter will be referred to collections for a judgment, and collection fees and costs of court will be added.

Section 2: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 3: Effective date. This Ordinance takes effect immediately after approval and posting.

PASSED AND APPROVED by the Perry City Council on this ____ day of _____, 2015.

PERRY CITY

BY _____
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

City Recorder

	Aye	Nay
CHRISTENSEN	_____	_____
GERLACH	_____	_____
MONTGOMERY	_____	_____
LEWIS	_____	_____
JANA NELSON	_____	_____

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ day of _____, 20____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-711, 1953 as amended, I, the City Recorder of Perry City, Utah, hereby certify that foregoing ordinance was duly passed and published, or posted at
1) _____ 2) _____
and 3) _____ on the above referenced dates.

City Recorder

DATE: _____

1 PERRY CITY WORK SESSION
2 PERRY CITY OFFICES
3 March 5, 2015

6:02 PM

4
5 OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting.
6 Peter Gerlach, Esther Montgomery, Todd Christensen, Brady
7 Lewis

8 OFFICIALS EXCUSED: Jana Nelson

9

10 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
11 Malone Molgard, City Attorney
12 Dale Weese, Police Chief

13

14 **ITEM 1: CALL TO ORDER AND OPENING CEREMONIES**

15 Mayor Cronin called the meeting to order.

16 **ITEM 2: DISCUSSION REGARDING PUBLIC SAFETY COMPLAINTS**

17 The Mayor announced that Perry City will host a 3 day shooting match (in September
18 2015) at the gun range. This match will be sponsored by the N.R.A.

19 Mayor Cronin turned some time over to Police Chief Dale Weese to train the Council how to
20 field calls on public safety. Chief Weese explained that the way the Council and City Staff
21 respond to complaints is important, especially reports against police officers. The Chief
22 provided the Council with copies of Perry City’s policies and procedures regarding
23 allegations against Perry City Police Officers. Any allegation must be taken seriously
24 because Police Officers are held to a higher standard. He reported that a bill is at the House
25 of Representatives and if it is passed, police chiefs could face punishment for not reporting
26 officer’s misconduct. He has the responsibility to not only report the complaint, but also
27 pass it onto P.O.S.T., Police Officers Standards and Training. This agency decides whether
28 to revoke or suspend the officer’s license and punish police administrators who fail to
29 report cases quickly. P.O.S.T. conducts their own investigation and may sanction police
30 administration if this statute becomes a law. It may become a misdemeanor and the Chief
31 could lose his certification and/or fines could be imposed.

32 The actions to report are not only D.U.I. and theft, but any report of false statements or
33 anything which could diminish or disrupt public trust. Chief Weese must conduct an
34 investigation and make a report on any public call about an officer. Mayor Cronin reported
35 that the City received 2 allegations recently that a Perry officer was following or stalking
36 them. One complainant said he was in a parking lot and the officer spotlighted him after
37 they had spoken earlier. After the Chief Weese investigated the situation, he learned that it
38 happened at 1 a.m. and the location was the back parking lot of Maddox, which is the
39 location of previous theft. Chief Weese discovered that the officer was doing his job, but he
40 had to take the time to set up an appointment with Mr. Maddox, who appreciated the

1 officer's actions. Chief must report his findings to P.O.S.T even when the allegation of
2 stalking was not substantiated. He believes that citizens don't realize how serious an
3 allegation is and what procedures are necessary. This policy has been in effect since 2006
4 and details how to handle complaints of misconduct. Chief Weese must complete an
5 impartial, expeditious investigation to protect the City from complaints that they were not
6 treated fairly. He said that Maddox has private security but the security officer does not
7 have authority to confront security concerns themselves.

8 Chief Weese instructed the Council to direct all complaints regarding police to him. Some
9 citizens may hesitate filing a complaint but a signed complaint is helpful for the required
10 investigation. Mayor Cronin stated that she receives complaints on her email and passes
11 them onto the Chief. She suggested that some residents may need support to fill out a
12 complaint in the office. Chief Weese stressed again the important that all complaints are
13 dealt with. Council Member Gerlach inquired about the use of body cameras. The Chief
14 explained that another bill is being considered before the House of Representatives
15 regarding body camera use. One of the considerations is that the home owner's permission
16 is required before an officer can enter the home wearing a camera. Another consideration
17 is how to store data and/or have an outside company for storage.

18 **ITEM 3: CITY ADMINISTRATOR POSITION**

19 Mayor Cronin updated the Council regarding the City Administrator position. She reported
20 that Perry received 29 applicants, 10 of which were qualified, and 9 of which appeared for
21 an interview. The interview panel has completed the interview process with the 9
22 applicants and selected their top 3 choices. The Mayor said that the Ordinance has an
23 annual salary range of \$40,000 - \$60,000 with a part time situation as a possibility. She
24 reported that only 1 of the applicants would consider part time employment and most of
25 the applicants sought over \$60,000 annually. Mayor Cronin presented several salary and
26 benefit options to the Council. The benefit package includes health insurance (for
27 employee working over 30 hours per week), retirement, vacation, holiday pay, and dental
28 insurance for full time employees. Council Member Christensen suggested that applicants
29 may not understand the worth of the benefit package in consideration of a salary below
30 \$60,000. Shanna reported that the City explains the benefit package to their new
31 employees in relation to their salary and the value of the benefits they receive. Council
32 Member Christensen suggested also pointing out the opportunity involved in being a city
33 administrator in a smaller town, instead of an assistant city administrator in a larger city.

34 Mayor Cronin asked if the Council is willing to amend the City Administrator Ordinance
35 regarding terms and the amount of salary. One term she suggested removing is the amount
36 of severance pay. She also mentioned that some cities require police officers live within 30
37 minutes of the city that employs them. This is important for their response time during
38 emergencies and she suggested including this requirement in the City Administrator
39 Ordinance. She suggested the city require pre-approval prior to the employee obtaining
40 part time work elsewhere. She suggested changing the Ordinance to state that the City
41 Administrator will assist with public relations and media. She stated that some City
42 Administrators have control over all departments, but usually the mayor has the authority

1 to delegate this and suggested the Ordinance be updated to reflect this standard. Council
2 Member Christensen recommended removing the clause with the amount of severance pay.
3 Mayor Cronin asked the Council if they were agreeable to the suggested changes to this
4 Ordinance. Shanna Johnson suggested removing the salary from the Ordinance and
5 including this in the City Pay Schedule for the Administration Department. Council Member
6 Gerlach agreed to the advantage of removing the salary amount stating the Ordinance
7 wouldn't have to be amended every time the salary range changed. Council Member
8 Montgomery noted budget discussions are scheduled and said that they need to include
9 this salary in upcoming discussions. Mayor Cronin suggested the Ordinance be more
10 flexible to require only a 4 year degree or equivalent. Shanna recommended including a
11 pay range that is flexible enough to allow for growth; advising that most people expect a
12 2% annual increase or they start looking elsewhere. The Mayor advised that Malone will
13 revise the Ordinance and it will be ready for review by the Council.

14 **ITEM 4: WASATCH FRONT REGIONAL COUNCIL 20/40 PLAN**

15 Mayor Cronin asked if the Council had a chance to view the Wasatch Front Regional Council
16 (WFRC) 20/40 Plan listed on the WFRC website. She asked the Council to forward their
17 opinions regarding the plan to her prior to Wednesday, March 11, 2015.

18 **ITEM 5: EXECUTIVE SESSION**

19 The Mayor requested an executive session to discuss potential litigation and character and
20 fitness of an individual.

21 **MOTION:** Council Member Christensen made a motion to close the work session and go
22 into an Executive Session regarding potential litigation and character and fitness of an
23 individual. Council Member Montgomery seconded the motion.

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

27 The Work Session Meeting closed at 6:39 PM

28 **MOTION:** Council Member Christensen made a motion to close the Executive Session and
29 reopen the public Work Session. Council Member Montgomery seconded the motion.

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

33 The Work Session Meeting reopened at 7:00 PM

34
35 **ITEM 5: Adjournment**

36
37 The meeting adjourned at 7:00PM

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13

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder

1 PERRY CITY COUNCIL MEETING
2 PERRY CITY OFFICES
3 March 5, 2015

7:02PM

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

8 OFFICIALS EXCUSED: Jana Nelson

9 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
10 Malone Molgard, City Attorney
11 Joseph Thomas, Patrol Officer
12

13 OTHERS PRESENT: Blake Ostler, Boyd Montgomery, Nelson Phillips, Bruce Howard, Paul
14 Glauser, Kade Glauser, Brett Jones, Paul Reed, Randy Matthews, Greg Hansen

15 **ITEM 1: CALL TO ORDER**

16 Mayor Cronin called the meeting to order.

17 **A. INVOCATION**

18 Council Member Montgomery offered the invocation.

19 **B. PLEDGE OF ALLEGIANCE**

20 Council Member Gerlach led the audience in the Pledge of Allegiance.

21 **C. REVIEW AND ADOPT THE AGENDA**

22 **MOTION:** Council Member Montgomery made a motion to approve the agenda. Council
23 Member Gerlach seconded the motion.

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

27 **ITEM 2: PROCEDURAL ISSUES**

28 **A. CONFLICT OF INTEREST DECLARATION**

29 None.

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

31 Shanna Johnson passed out the warrants.

32 **C. BUSINESS LICENSE(S)**

33

1 Mayor Cronin presented the below new business license applications:

- 2 • Simply Exquisite Fashion
- 3 • Perry Eye Care
- 4 • Chooters
- 5 • Goble Medical Group

6 Mayor Cronin explained Tora Rhodes is the owner of Simply Exquisite Fashion. She will
7 sell women’s clothing online and will not have visiting clientele.

8 **MOTION:** Council Member Lewis made a motion to approve the business license for
9 Simply Exquisite Fashion. Council Member Christensen seconded the motion.

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

13 Mayor Cronin presented the application for Perry Eye Care, owned by Dr. Paul Reed. She
14 stated the business will have visiting clientele and will be located on the west side of the
15 Wahlen Dentistry office building. Mr. Reed was present and said that he plans to open in
16 May. Council Member Christensen inquired if adequate parking is available for his patients.
17 Paul assured everyone that there is ample parking space available.

18 **MOTION:** Council Member Lewis made a motion to approve the business license for Perry
19 Eye Care. Council Member Montgomery seconded the motion.

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

23 Mayor Cronin reviewed the application for Chooters, owned by Jordan Ewert. She stated
24 this business carries online personal defense items and has no visiting clientele. Council
25 Member Montgomery said that she would like more information about this business and
26 website.

27 **MOTION:** Council Member Montgomery made a motion to table the approval of the
28 business license for Chooters and request the applicant attend the next council meeting.
29 Council Member Christensen seconded the motion. Mayor Cronin asked Shanna to invite
30 Mr. Ewert to attend the meeting held on March 19, 2015.

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

34 Mayor Cronin presented the application for Goble Medical Group, owned by Dr. Marlowe
35 Goble. She said that this business has visiting clientele and will be located at the Maddox
36 Lodge building. It will be an urgent care medical facility. Shanna explained that the
37 business will be open until 5pm, but will take drop in appointments similar to a NowCare.

1 **MOTION:** Council Member Montgomery made a motion to approve the business license for
2 Goble Medical Group. Council Member Lewis seconded the motion.

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

6 **ITEM 3: PUBLIC COMMENTS AND/OR PUBLIC HEARING**

7 **Boyd Montgomery:** re-emphasized the need to repair the road and shoulder of 1200
8 West. Boyd reported some big holes along the edge of the pavement and said a street sign
9 needs to be installed again.

10 **Bruce Howard:** explained that he was removed from the Waste Water Treatment Board
11 and he believes the reason was because he supported Willard City’s point of view regarding
12 the interlocal agreement. He reminded the Council that being a member of this board is not
13 a political appointment. He said the goal of the board is to operate the plant and serve
14 Perry and Willard. He said that the charter includes the operation of the plant, not to
15 decide what percentage of the operation is paid for by Perry City or Willard City. Bruce
16 reported that he is 68 years old and has been removed from a position of responsibility
17 twice, and both times he was following the rules and obeying the law. He implored the
18 Council to study the interlocal agreement and be aware of the plan of operations for the
19 plant.

20 No further public comments

21 **ITEM 4: ACTION ITEMS**

22 **A. APPROVAL OF THE WARRANTS**

23
24 **MOTION:** Council Member Gerlach made a motion to approve the warrants. Council
25 Member Lewis seconded the motion.

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

29 **B. FINANCIAL APPEAL BY BOYD MONTGOMERY – UTILITY BILLING**

30 Mayor Cronin reported that Boyd Montgomery’s letter was included in the packet sent to
31 Council Members before the meeting. Boyd is requesting 6 months of his utility bills be
32 excused. The Mayor stated that the policy has been to pardon up to, but not exceeding,
33 \$100.00. She said that the office staff has the authority to waive \$50.00. Council Member
34 Lewis asked Boyd to explain the reason for this request. Boyd explained that his wife is
35 currently in Pioneer Rehab Center and they are responsible for over \$30,000.00 in medical
36 bills. Boyd stated that his son is disabled and needs medical treatment; he has another son
37 living with them that has been ordered to pay a large amount of child support. Boyd stated
38 that he refinanced his house last year, but it has not funded yet. Boyd suggested that

1 people in this situation could receive assistance if there was a note on the utility bill twice a
2 year requesting citizens make donations for those in need.

3 The Mayor reminded the Council that only the chair can authorize people from the
4 audience to speak. She asked the Council for their views. Council Member Montgomery
5 asked if there is precedence for this situation, stating the situation she is familiar with is
6 when there is a leak in the winter that cannot be remedied due to snow, therefore an
7 overage is caused. Council Member Montgomery said that this does not appear to be
8 caused by a leak, but rather a financial hardship. Council Member Gerlach asked Boyd if he
9 applied for hardship assistance through a utility program. Mayor Cronin mentioned issues
10 that could arise if precedence is set with this application for relief. Council Member Lewis
11 desired further discussion in a more private setting without the public. Malone reported
12 that the Council has the authority to set precedent, but cautioned that the City should
13 identify what specific situations would qualify others experiencing financial hardship.

14 Council Member Lewis preferred tabling this issue to explore which options are available.
15 Council Member Gerlach assessed that this situation may qualify for assistance from
16 B.R.A.G., Bear River Association of Governments. Boyd stated that he contacted H.E.A.T.,
17 Heating Energy Assistance Team. Council Member Christensen inquired if Boyd has made
18 partial payments. Boyd said that he made a payment a couple of months ago.

19 Mayor Cronin said this may be a good issue for Boyd to discuss with his religious leaders.
20 Mayor Cronin liked the idea of asking residents if they would like to donate extra money to
21 help the needy on their utility bill. She liked the idea of a relief fund to build up for
22 situations like this, but we have to be sensitive to the fact that the City would be taking
23 money from other taxpayers. Mayor Cronin asked the Council if they wanted to table this
24 issue and obtain more information. She said the City may refer this applicant to programs
25 designed for utility assistance.

26 **MOTION:** Council Member Lewis made a motion to table item 4B to obtain additional
27 information with a request for City staff to spend up to 2 hours to obtain information about
28 the B.R.A.G. utility assistance program. Council Member Montgomery seconded the motion.

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

32 **C. ORDINANCE 15-C ADOPTING THE 2015 PERRY MUNICIPAL CODE**

33 Mayor Cronin turned some time over to Perry City Attorney, Malone Molgard to discuss the
34 new municipal code and the municipal code online system. Malone stated that he had a
35 printed version of the City codes there for review. He said that the Council received
36 training to use the municipal code online system previously. He explained that the next
37 step is to adopt the code and then the old code will no longer be valid. Mayor Cronin asked
38 if something is missing in the new codes, does that mean that it is no longer a policy.
39 Malone said that was true. The Mayor asked if wording could be added to encompass items
40 left out in error.

1 Malone suggested approval be tabled until the Council is able to approve of the whole
2 online code. He explained it would be difficult to combine two versions. Council Member
3 Christensen inquired what the process would be to adopt a missing item after the approval.
4 Malone explained that some items are not in the codes such as some of the policies passed
5 by resolution, and those stored in a procedures binder. Malone would like these items to
6 be included in the online code. Malone said that the City is open to liability unless the
7 policy is amended and adopted as code. Malone said that it is best to replace anything
8 missing and then repeal the old code.

9 Mayor Cronin wanted to find the flag lot ordinance. Malone said that the code can be
10 passed and then the city can adopt a new flag lot ordinance. He said that the flag lot
11 ordinance is up for review at the next Planning Commission meeting so it could be passed
12 quickly. Malone said Title 80 of the previous code includes the Council Procedures because
13 that was passed as a Resolution and they thought it better in a binder not in the code.
14 Malone stated that he would like this passed as an Ordinance and included in the Code. He
15 said that this will not cause liability to the City, we simply need to adopt this as a policy or
16 adopted as code. He said the flag lot ordinance is more problematic, because if someone
17 makes application it must be approved until the new flag lot ordinance is passed. Shanna
18 explained that the flag lot ordinance is not part of the 2010 Code that was last codified and
19 the Ordinance passed since this is nowhere to be found. Shanna state that staff looked for
20 an entire year. They looked in office and on a jump drive that was given to the City from
21 the previous City Administrator. Council Member Christensen asked if staff has ever
22 identified the day it was discussed in City Council Meeting. Shanna said that Susan did find
23 the notes from when the ordinance was discussed but not the completed final ordinance.
24 Council Member Christensen said that he has all the meeting packets from the past and if
25 he had a date, he could look to see if he could locate the flag lot ordinance. Shanna said that
26 Susan has looked at all the packets, but in the past the previous City Administrator would
27 read a paragraph of an ordinance or provide a section of an ordinance to be changed, but
28 not the complete ordinance in the Council meeting. The Council would make motion based
29 off this information, but an ordinance would never be drafted in final form for the
30 Ordinance book. So without the actual ordinance number being given to the document, or
31 the title or date, it is hard to locate this. Shanna advised again that the notes and draft
32 copies presented in meetings have been found, and could be used to draft a new Ordinance
33 to be passed and added to code. Mayor Cronin asked if it could be included in the code that
34 if an item is not identified it is not allowed. Malone said no, we could table this until these
35 items have been added. Codey Illum is working with the Planning Commission to complete
36 the flag lot ordinance. He said that the Council could also pass the code and then address
37 missing items as they come up. Mayor Cronin noted the advantage of having the correct
38 numbering system if the online codes are adopted now. Council Member Christensen
39 wanted to wait and table the codification so that he can review his notes and items in
40 previous packets.

41 **MOTION:** Council Member Christensen made a motion to table Ordinance 15-C. Council
42 Member Montgomery seconded the motion.

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

4 **D. ORDINANCE 15-D TO AMEND AND CLARIFY STREET NAMES AND SIGNAGE IN THE**
5 **PERRY MUNICIPAL CODE**

6 After public and Council discussion, Mayor Cronin announced that the street numbers
7 should be the main part of the street sign and the street name should be subsequent to it.
8 She recommends that the Council use discretion and consider exceptions on a sign by sign
9 basis. She said the standard would be street number prominent and street name sub-
10 prominent with Council having discretion to approve exceptions as needed. Council
11 Member Montgomery asked if prominent and sub-prominent refers to the size or
12 placement on the sign. Mayor Cronin stated this is referring to size. Council Member
13 Christensen said that this is important as emergency services use the street numbers to
14 find locations. Mayor Cronin asked if it could be noted in the street names section
15 (10.03.010) of the Ordinance that “All publicly known non-numbered street names in place
16 as of March 5, 2015 shall be accepted by the Council,” so that Council will not need to grant
17 exceptions for these streets. Malone agreed to add the amended language. The Mayor
18 explained that citizens could petition the City if they desire a non-numbered sign after
19 March 5th. We have a standard now and an exception could be made if a street is publicly
20 known by a non-numbered name with a signed petition.

21 **MOTION:** Council Member Gerlach made a motion to approve Ordinance 15-D amending
22 the street names standards and approval procedures with the amendments noted. Council
23 Member Christensen seconded the motion.

24 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
25 Council Member Gerlach, Yes Council Member Lewis, Yes
26 **Motion Approved.** 4 Yes, 0 No.
27

28 **E. RESOLUTION 15-01 APPROVING A FEE FOR RESIDENTIAL CHICKEN PERMITS**
29

30 Mayor Cronin said that she asked Malone to put into this resolution that the fee will be
31 \$8.00, which is the same amount as a dog license. Dog licenses must be renewed in January
32 and this ordinance will require chicken permits be obtained by April 30th. This offsets the
33 renewal period and workload in the office. Council Member Montgomery recommended
34 the amount be reduced to \$5.00 for a chicken permit. She felt it is a reasonable expectation
35 when buying a dog license due to the benefit of a tag for the dog. Council Member
36 Montgomery said the chicken permit is more of a contract and no tag is exchanged. She
37 said that code enforcement is already listed in the Ordinance.
38 Council Member Gerlach and Christensen approved of the \$5.00 permit for chickens.
39 Council Member Lewis approved of the ordinance wording and was okay with a \$5.00 fee.
40 Mayor Cronin stressed the importance of the chicken owner signing the permit.

1 **MOTION:** Council Member Montgomery made a motion to approve Resolution 15-01 with
2 an amendment to change the fee amount to \$5.00. Council Member Christensen seconded
3 the motion.

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

8
9 Council Member Council Member Christensen stated he would like to see the permit form
10 that chicken owners will sign. He wants to ensure it states that renewal is required
11 annually. Mayor Cronin stated the permit will be ready April 1st.

12
13 **F. FINAL APPROVAL OF SUNRIDGE SUBDIVISION PHASE 5**

14
15 Mayor Cronin turned some time over to Brett Jones (City Engineer) to review Phase 5 of
16 Sunridge Subdivision. Brett presented the challenge of connecting 2 subdivisions on plat 4
17 and plat 2 with a curving road. He recommended a 20 miles per hour sign be posted to
18 prepare drivers for the curve ahead. Brett reported the contractor did a good job
19 connecting the 2 subdivisions. He said the drainage issues were addressed, stating that at
20 times issues occur in these situations of 2 large lots without much hard surface. Brett
21 stated that an area has not been set aside for a detention basin, but that the drainage
22 should be adequate. Brett said that a drainage line is proposed so that water can run down
23 the side easement. The contractor is proposing curb and gutter and partial sidewalk. The
24 Subdivision on Plat 2 is unimproved at this time with curb and gutter and sidewalk
25 planned. Brett reported that all of the terms and concerns have been addressed. Mayor
26 Cronin explained that the City has allowed other contractors to put money into an escrow
27 account if they wanted to wait to install curb, gutter, and sidewalk.

28
29 Mayor Cronin asked Greg Hansen to discuss what the Planning Commission defines as
30 partial curb and gutter. Greg Hansen reported that it means full curb, gutter and sidewalk
31 on one side. He said that the Planning Commission is allowing the curb and gutter to
32 continue and begins narrowing down to be the same as the road it will meet. The
33 developer was present and said that he preferred to install curb and gutter and sidewalks
34 in lieu of an escrow account. Greg stated that the developer is willing to install curb and
35 gutter and partial sidewalk and transition from one subdivision to the other. He said that
36 each lot is improved with a berm to lower the potential for flooding. The location of the
37 lots will keep flooding to a minimum he stated. Council Member Christensen asked if the
38 width of the road is less than 50 feet. He wondered if a 'no parking' sign would be
39 necessary so vehicles could pass safely. He said parking would be an issue as well as snow
40 removal. Greg replied that the load surface was similar to the asphalt on a 60 foot road.

41
42 Mayor Cronin asked if there were rural road agreements in previous phases of the Sunridge
43 Subdivision. She wanted to know who should put in the curb and gutter in Phase 2.
44 Council Member Montgomery asked if the road needs to be widened. Greg said that it did
45 need to be widened. He stated that curb, gutter, and sidewalk are important on the west
46 side of the road but not as critical on the east side. Greg indicated where the road narrows

1 to a 25’ right of way. Council Member Montgomery suggested the road be at least 35’ wide.
 2 Greg showed that the road would extend into the property line if it was wider. Brett
 3 suggested an agreement to mitigate the width issue if the City does not intend to bring the
 4 curb to that area. He suggested the homeowners could sign an agreement to forgo a future
 5 sidewalk. Council Member Lewis asked about the 50’ right of way required in the
 6 ordinance and if sidewalk is required also. On Phase 5, the Planning Commission wanted a
 7 sidewalk. Malone stated that curb and gutter are required but if the road is not wide
 8 enough a variance is required. He said the exception requires a petition to the Board of
 9 Appeals to make a definitive decision.

10 Greg Hansen and Brett Jones suggested that the Subdivision could be approved with a
 11 deferral, deferring the sidewalk. Council Member Lewis prefers curb and gutter on both
 12 sides and sidewalk on one side and a deferral until the City acquires the right of way. Brett
 13 alleged that the road would most likely never be widened if it was deferred for a later date.
 14 Brett explained that the original developer is responsible, but realistically the documents
 15 are lost over time. Council Member Christensen suggested doing a variance now for curb,
 16 gutter and sidewalk on the west side because this is an unusual circumstance. The City is
 17 not faced with this situation very often. The benefit would be that the street would be
 18 installed and water management would be improved. Mayor Cronin asked Malone to
 19 research if a variance is required by the Special Uses and Appeals Board. The Mayor asked
 20 Malone if the Council can grant the variance. Malone reported that a 5 member Board of
 21 Adjustments is required for the variance. Council Member Christensen asked if the Board
 22 of Adjustments decision is only needed if the City Council does not grant a deferral. Brett
 23 reported that the Board of Appeals is necessary if the contractor varies in any way from the
 24 standards specified in the ordinance. Council Member Gerlach asked if Perry City would be
 25 responsible to install sidewalk if a deferral is approved. Malone agreed that the City would
 26 have to pay for the sidewalk if it is deferred. Council Member Gerlach stated that a deferral
 27 makes sense at this time with sidewalk, curb, and gutter on the west side and the same on
 28 the east side, but no sidewalk.

29
 30 **MOTION:** Council Member Gerlach made a motion to approve Sunridge Subdivision Phase
 31 5 with the amendment that curb and gutter will be placed the entire length on each side,
 32 sidewalk will be installed the entire length on the west side, and granting a deferral of
 33 sidewalk on the east side. Council Member Lewis seconded the motion.

34
 35 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
 36 Council Member Gerlach, Yes Council Member Lewis, Yes
 37 **Motion Approved.** 4 Yes, 0 No.

38
 39 **G. APPROVE USE OF IMPACT FEES FOR 1750 SOUTH HILL HAVEN WATER LLINE**
 40 **DESIGN WORK**

41
 42 Mayor Cronin asked Brett Jones to discuss Wendy Jensen’s proposal for Taylor’s Cove.
 43 Brett explained that Wendy Jensen is installing a 12” water line in the subdivision. He
 44 showed the Council where the 12” line was being installed (East to West on Hill Haven
 45 Drive) and where a potential water reservoir is planned. He said the Capital Facilities Plan
 46 includes an 8” water line connection at 1750 South looping back to the line at Hill Haven

1 Drive. He said that without this infrastructure, if there was a water line break on Highway
 2 89 the homes in the area would be without water. He said that Wendy’s subdivision will
 3 build a portion of the water line needed, but because we don’t anticipate any development
 4 in the near future, Perry City would need to build the rest. He proposed that the Council
 5 approve moving forward and funding the project. Brett advised that this project is on
 6 Perry’s Capital Facility Plan and the City could use impact fees to complete the connection.
 7 Council Member Christensen asked if there is an easement in the project area. Brett said
 8 that they are researching this and an easement may need to be purchased. Council Member
 9 Christensen asked for cost projections. Brett advised that this project would cost
 10 approximately \$60,000, but may cost more for easement purchase. Mayor Cronin
 11 proposed approving the completion of easement research and project design work. Shanna
 12 Johnson advised that there are impact fees available. Mayor Cronin suggested that if the
 13 council is in support of the project the motion could be made to allow the City to utilize
 14 impact fees up to \$60,000 for the design, review, and construction of the water line and
 15 increase the funding for any needed easements. Brett suggested increasing the amount to
 16 \$80,000 to allow for easement acquisition.
 17 Council Member Lewis inquired what project Perry would be putting this ahead of. Shanna
 18 replied that we would place it ahead of acquiring additional wells and updating the present
 19 wells. Shanna advised in our recent Capital Facilities and Impact Fee study it showed that
 20 Perry City had enough water, but was lacking in distribution so this change in projects
 21 would make a lot of sense.

22
 23 **MOTION:** Council Member Christensen made a motion to approve the use of Culinary
 24 Water Impact Fees up to a maximum amount of \$80,000.00 for the 1750 South to Hill Haven
 25 Water Line to be used for design, construction work, and for possible easements. Council
 26 Member Lewis seconded the motion.

27
 28 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
 29 Council Member Lewis, Yes
 30 **Motion Approved.** 3 Yes, 0 No

31 *Council Member Gerlach stepped away from the meeting prior to the vote and returned
 32 shortly thereafter.

33 **H. INTERLOCAL AGREEMENT FOR BRIGHAM CITY FIRE SERVICES**

34
 35 Mayor Cronin turned some time over to Malone to discuss the interlocal agreement with
 36 Brigham City for fire services. The Mayor explained that \$19,000.00 is basically a retainer
 37 fee for fire services and Brigham City will bill the first hour at approximately \$945.00. A
 38 caller would be billed for the second hour according to the equipment used. This retainer
 39 fee also allows Perry the ability to use the Fire Marshal and the ambulance, and binds this
 40 contract for 3 years. Council Member Lewis asked what changes are involved with this
 41 contract as compared to previous emergency services from Brigham. Mayor Cronin replied
 42 that Brigham City would bill for the fire truck and other vehicles called out if required for
 43 longer than the first 2 hours. Malone explained that terms and prices are a continuation of
 44 what Perry has now but that the ambulance service was not there before. There is also an

1 hourly rate for vehicles called to the emergency. He said that there would be a charge of
2 \$200.00 for false alarm calls, except if it is for carbon monoxide. There will be no charge
3 for carbon monoxide calls.

4
5 Mayor Cronin explained that these charges would be forwarded to the landowner who
6 called for the fire department. Council Member Christensen asked if that language is
7 written in our policies so that it could not be contested. Malone agreed that it is a policy.
8 Council Member Montgomery suggested this information be placed in the newsletter.
9 Council Member Christensen noted that the contract with Brigham City says that Perry City
10 will pay the emergency fees. Mayor Cronin requested this item on the next agenda for
11 review. Mayor Cronin asked the date when the new contract goes into effect. Malone
12 explained that the contract period begins upon both city councils approving and signing the
13 agreement. He said he could request Brigham City include the contract be valid from now
14 to end of fiscal year 2018.

15
16 **MOTION:** Council Member Montgomery made a motion to approve the Interlocal
17 Agreement for Brigham City Fire Services with the amendment to continue through the end
18 of fiscal year 2018. Council Member Lewis seconded the motion.

19
20 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
21 Council Member Gerlach, Yes Council Member Lewis, Yes
22 **Motion Approved.** 4 Yes, 0 No

23
24 **I. CDBG APPLICATION**

25
26 Mayor Cronin explained that the CDBG grant application is back on the agenda because
27 previously Perry City was able to use the study of the entire area and break projects into
28 phases. The survey now must be completed on the area affected to meet the criteria for
29 that phase. The new ruling is that if Perry is going to do a project in just one section of the
30 City, then the survey must be for just that section. Shanna explained that there are 10
31 houses that require a resurvey to ensure that they meet 51 % meet the low to moderate
32 income (LMI) criteria. Shanna said that we can amend our project if we desire, but will still
33 need to complete another survey. There is a different person over the program from when
34 we were funded before. The previous director allowed the entire corridor or section to be
35 used. She reported that the survey must be completed by the end of March in order for us
36 to qualify for funding. Shanna stated that there is no cost involved to do the survey, but will
37 require time.

38
39 The Mayor asked which projects would fit the 51% LMI requirement for this grant. Shanna
40 said that the far northern phase would most likely not meet the qualifications, and that
41 Phase 2 would probably be the best choice. Mayor Cronin explained that the Council could
42 approve the action to complete the study in just the 2700 South phase we originally applied
43 for. Another option is to complete the study for both phases and then at the next meeting
44 the Council could decide which phase to go forward with. Council Member Christensen
45 asked for more details of the survey. Mayor Cronin explained that 3 questions are asked
46 the participant encloses their responses inside a sealed envelope to be taken by the

1 interviewer. Shanna said that every home in the area surveyed must respond, but their
 2 response counts even if the homeowner does not answer the 3 questions before submitting
 3 the survey. The Mayor reported that the City had used an intern for the last survey and she
 4 asked for any volunteers to help with the survey.

5
 6 **MOTION:** Council Member Montgomery made a motion to approve the survey for the 2700
 7 South Phase and to continue on with Phase 2 if the 2700 South Phase does not meet the
 8 criteria. Council Member Christensen seconded the motion.

9
 10 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
 11 Council Member Gerlach, Yes Council Member Lewis, Yes
 12 **Motion Approved.** 4 Yes, 0 No

13
 14 **ITEM 5: DISCUSSION ITEMS**

15
 16 **A. STORM SYSTEM MAINTENANCE**

17
 18 Mayor Cronin turned some time over to Greg Hansen, Chairman of the Box Elder/Perry
 19 Flood Control Board. Greg summarized the Board’s capacity and responsibility: the
 20 operation and maintenance of storm facilities located on the east bench and the west side
 21 of Perry. Everything located between these 2 points is the City’s responsibility. The Flood
 22 Control Board, through infrastructure, must collect water, get it safety through town, and
 23 then decide how to handle it after it is moved to the west side of Perry. The Board focused
 24 on maintenance of the basins located on the east side and the piping channel on the
 25 Maddox land. In 2014, the Flood Control Board reviewed Perry City’s overall system and
 26 found many issues. The critical issue was being able to move the water successfully
 27 through the City. After getting bids, the Board spent about \$170,000.00 cleaning out man
 28 holes, 6 basins on the east side, and piped the main channel that ties into Maddox Lane. He
 29 said that Perry would have a catastrophe if flood water were held back in debris basins and
 30 detention basins, but the City could not move the water through town.

31
 32 The Flood board put out bids and hired a contractor to clean about 60 catch basins, man
 33 holes, inlet boxes, and outlet structures in satellite basins throughout Perry for \$71,000.00.
 34 The work completed the cleanup of 6 basins and cleaned a couple thousand feet of pipe.
 35 The Board also spent money to clean up the storm drain pipe that went along 900 West.
 36 Their future plan is to install a holding pond on Perry City property. The Board requested
 37 an operation maintenance schedule from Jones and Associates for regular upkeep on the
 38 Perry system. Some catch basins were neglected so long they were completely filled with
 39 wheat growing out of them. Some basins were so grown over that they were not even
 40 functioning. The Flood Board hopes the City will be encouraged to adopt a maintenance
 41 plan since everything is in working order at this time. He suggested City staff could be used
 42 to upkeep the system or hire out the maintenance.

43
 44 Greg said that the Flood Board will continue to take care of the big basins on the east bench,
 45 but they are not large enough. He projected that increasing capacity may cost
 46 approximately \$1,000,000.00. Greg did not think the Flood Board will choose that option,

1 but some improvements are necessary to protect the property all the way through town.
2 Greg reported that the Flood Board is not opposed to helping the City with any projects, but
3 wants to concentrate on building basins on the east side and the west side. Greg reported
4 that Box Elder County funds the Flood Board at approximately \$80,000.00 annually, and
5 they have asked Jones and Associates to look for grants. He stated that it is vital for the
6 Flood Control Board and Perry City to work together. The Flood Board is making great
7 advances and needs the City's participation. Mayor applauded the accomplishments of the
8 Flood Control Board.

9 Mayor Cronin turned some time over to Brett Jones of Jones and Associates. Brett said he
10 has noticed that the play ground near the soccer park has not been flooding since the Flood
11 Control Board completed their cleanup. Brett Jones met with Greg Hansen and Paul to
12 discuss possible projects using Perry's manpower and funds. He said that he did not know
13 of anything budgeted for maintenance except that Parks currently has staff booked to assist
14 in these efforts. A schedule was prepared designating what clean-up and maintenance of
15 the detention basins could be done in-house annually. He explained that some of the 23
16 detention ponds in Perry do not require an annual cleaning. The Flood Board decided that
17 the Inspection of the basins and pipes to ensure proper functionality cannot be done in-
18 house. The Flood Board found pipes broken in 5 areas and the pipes require a 5 year
19 maintenance rotation, which could cost approximately \$20,000.00 annually.

20 Even when the City utilizes existing staff, some costs will be involved. They estimated
21 approximately an additional \$20,000.00 would be required for in-house maintenance.
22 There are some new storm water regulations to verify maintenance is being done and an
23 official storm water inspector is required on construction projects within the City. An
24 annual report is required for the State of Utah and eventually to the E.P.A. (Environmental
25 Protection Agency) to show how much Perry is spending on this program and how many
26 employees are involved. Brett wanted to make the City aware of upcoming additional
27 storm drain costs. He suggested charging higher storm drain fees so that Perry takes
28 advantage of the significant investment the Flood Control Board made to get the system
29 operational. Mayor Cronin repeated that an additional \$20,000.00 - \$30,000.00 will need
30 to be budgeted for maintenance.

31 **B. FY2015 BUDGET UPDATE & FY2016 BUDGET TIMELINE**

32 Mayor Cronin turned some time over to Shanna to discuss upcoming budget work session
33 scheduled to take place prior to regularly Council meetings beginning in April.

34 Shanna reviewed the January Budget Update. She reported that 59% of the fiscal year has
35 elapsed and General Fund expenditures are at 48%. She said According to this document,
36 63% of General Fund Revenues have been collected. Perry City has collected 45% of the
37 utilities funds due and after the planned transfer from fund balance; it will show that the
38 City is right on task. The Sewer revenue is 47% collected and once reimbursements are
39 collected from a State grant and Willard City will also be on budget. Shanna advised there
40 is also a transfer from General Fund Revenue coming from the Municipal Energy Tax, which
41 is contributed to the Sewer Fund each year to help revenues meet the demands of

1 operations and the City's annual bond payments. Mayor Cronin noted that is where Perry's
2 General fund is subsidizing the sewer fund.

3 Shanna reported that the utilities non-operations funds are reflective of impact and
4 connection fees and we are currently showing 51% of planned revenues collected. This is a
5 little low because construction is slower during the winter, but should balance or exceed by
6 the end of the year. Shanna stated that the City has collected more revenue than
7 anticipated and spent less money than anticipated. She said that the Utility fund spent 57%
8 of its budget. The Sewer Fund has spent 38% this is very low, but will increase as our
9 Waste Water Treatment Facility bond payment will come out in May. She said the Sales tax
10 received for the month of February was 1.39% better than that collected in February 2014
11 and year to date sales tax revenues are 5.4% higher than last year.

12 Shanna said that she has reminded the department heads to prepare their budget
13 proposals and advised them that the Council will review the proposals in work sessions
14 starting in April. Per State law, Shanna advised that she has to present the tentative budget
15 for Council review by the first meeting in May (May 7th). She said that this is true for the
16 Perry Redevelopment Agency as well. The Council will be able to approve a tentative
17 budget on May 21st, at which time this will be made available to public. Shanna said there
18 will be a public hearing regarding the proposed budget on June 4th and the Council can vote
19 to adopt the budget on June 18th or hold a special meeting to adopt the budget prior to the
20 deadline of June 22, 2015. Shanna said she will provide the meeting schedule to the
21 Council members. She noted that the Council has some items to consider after hearing the
22 report from the Flood Control Board, including how the new maintenance schedule will be
23 funded.

24 **C. CODE ENFORCEMENT DRAFT ORDINANCE**

25 Mayor Cronin asked Malone to present the online codes last week. Council Member
26 Montgomery asked if the warning in the code was verbal or written and thought it should
27 be specific. Malone said that this nonspecific language allows the City to give a verbal or
28 written warning, but written warning must include a certified mail return receipt. The City
29 also has the option to have a police officer hand it to them and he/she can testify that notice
30 was received. Council Member Montgomery said that the City can then place a lien on the
31 property. Mayor Cronin said that the ordinance states that the City may do this, but has
32 flexibility in doing this. Mayor Cronin said that this flexibility lets the City resolve issues
33 civilly or criminally. She liked the advantage of resolving issues when residents call in
34 complaints to the office. The Mayor stated that if City staff sees something out of line with
35 Perry's policies and ordinances, the City is capable of enforcement. Council Member
36 Christensen asked what their role is as officials of the City. Mayor Cronin said that Council
37 members can contact office staff when they see violations. Council Member Christensen
38 said that he thinks most people finish their basement without obtaining a building permit.
39 Shanna suggested that staff members be assigned to address code enforcement issues,
40 stating that there is confusion regarding who is responsible for sending correspondence
41 and following up. Mayor Cronin said that Council Members could forward calls to Susan
42 Obray and Codey Illum, who deal with code enforcement. Malone said that he would
43 appreciate suggestions and changes to the online codes be forwarded to him.

1 **D. PARK RENTAL**

2 Tabled until next meeting.

3 **ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL**
4 **ASSIGNMENTS)**

5 **A. APPROVAL OF CONSENT ITEMS**

- 6 • January 22, 2015 City Council Work Session Minutes
- 7 • February 19, 2015 City Council Meeting Minutes

8
9 Mayor Cronin noted corrections to page 9 of the City Council Meeting minutes. She also
10 noted corrections on the same page on line 35, and lines 37 and 38. The Mayor noted
11 corrections to page 10 line 17 and page 11 line 30.

12
13 **MOTION:** Council Member Montgomery moved to approve the minutes for the January 22,
14 2015 City Council Work Session and February 19, 2015 City Council Meeting with the noted
15 corrections and all Council Members consented.

16 **B. Todd Christensen:** reported that he had another UTOPIA board meeting scheduled for
17 next Monday, March 9th. He has noticed UTOPIA vehicles in the area. Todd said that
18 UTOPIA has an agreement with U.D.O.T. on their major interstate to connect their road
19 sensors, traffic cameras and overhead bill boards. That is a benefit to our area so that
20 Perry will be able to tie in with fiber optics along the main corridor. Todd hopes to get
21 time with the chairman of UTOPIA to settle issues and get information when Perry will
22 obtain fiber optics in our area.

23
24 **C. Peter Gerlach:** noted that he didn't have anything to report.

25
26 **D. Jana Nelson:** was excused. Mayor Cronin said she was ill and she didn't have anything
27 to report.

28
29 **E. Esther Montgomery:** said that the committee reviewing timekeeping is trying to align
30 their schedules. They discussed having a work meeting with the Council after the
31 committee finalizes recommendations. Mayor Cronin said that Shanna is setting up a
32 meeting next Wednesday and is waiting for confirmation from some of the attendees.

33
34 **F. Brady Lewis:** reported that he has been working on a commitment from the creative
35 director at a technology company in Ogden. He hopes that this contact will agree to
36 donate his services as a designer in collaboration with Perry business owners to
37 improve their signage. Brady has access to a machine that produces quality signs. He
38 hoped to find donated materials and scouts to install the signs. Mayor Cronin asked if
39 he desired wood donations for the signs. Brady clarified that the material used is like
40 treks, a composite wood alternative. He said it is an excellent durable material with no
41 upkeep. The Mayor asked him to get more information before posting his request for
42 material donations on the City's Facebook page.

43

1 **G. Mayor Cronin:** said that C.E.R.T. training began yesterday and 18 residents are
2 enrolled. She stated that planning for the 4th of July celebration starts next week. She
3 said that Council Member Lewis will take care of badges for the Play Unplugged
4 promotion Perry City is involved with. Mayor Cronin noted the Easter egg hunt was in
5 the last newsletter and full details will be in the next newsletter.
6

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

8 Easter Egg Hunt will be April 5th.
9

10 **ITEM 7: ITEMS FOR FUTURE MEETINGS**

11 Discussed earlier

12 **ITEM 8: EXECUTIVE SESSION**

13 **MOTION:** Council Member Montgomery moved to close the public meeting and adjourn to
14 an Executive Session to discuss possible litigation and character and fitness of an
15 individual. Council Member Lewis seconded the motion.

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

19 The Regular meeting closed at approximately 9:32pm.
20

21 **MOTION:** Council Member Montgomery moved to close the Executive Session and return
22 to the regular meeting. Council Member Gerlach seconded the motion.

23 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
24 Council Member Gerlach, Yes Council Member Lewis, Yes
25 **Motion Approved.** 4 Yes, 0 No.
26

27 The Regular meeting reopened at approximately 9:58pm.
28

29 **ITEM 9: Adjournment**

30
31 **MOTION:** Council Member Christensen made a motion to adjourn the council meeting.
32 Council Member Gerlach seconded the motion.

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

36 The meeting adjourned at 9:58pm.
37
38

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Susan O'Bray, City Recorder

Karen Cronin, Mayor

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Shanna Johnson, Chief Deputy Recorder

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