

Notice of Agenda  
Of a Special Meeting of the  
City Council of Perry City, Utah  
Thursday, November 12, 2015 7:00 P.M. Perry City Council Room

THE COUNCIL OF PERRY CITY, UTAH WILL MEET AS A BOARD OF CANVASSERS IN A SPECIAL CITY COUNCIL MEETING ON NOVEMBER 12, 2015 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 3005 SOUTH 1200 WEST, TO CANVASS THE RESULTS OF THE NOVEMBER 3, 2015 GENERAL ELECTION.

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Susan K. Obray  
Perry City Recorder

POSTED AND DELIVERED TO THE BOX ELDER NEW JOURNAL, PERRY CITY PARK,  
AND CENTENIAL PARK THIS 4TH DAY OF NOVEMBER 2015.

PERRY CITY DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, RELIGION, AGE OR DISABILITY IN EMPLOYMENT OR THE PROVISION OF SERVICES. IF YOU ARE PLANNING TO ATTEND THIS PUBLIC MEETING AND, DUE TO A DISABILITY, NEED ASSISTANCE IN UNDERSTANDING OR PARTICIPATING IN THE MEETING, PLEASE NOTIFY THE CITY EIGHT OR MORE HOURS IN ADVANCE OF THE MEETING AND WE WILL TRY TO PROVIDE WHATEVER ASSISTANCE MAY BE REQUIRED. THE PERSON TO CONTACT FOR ASSISTANCE IS SUSAN K. OBRAY, CITY RECORDER, AT 723-6461.

## 2015 MUNICIPAL GENERAL ELECTION

### PERRY

Total registered voters:	2541
Total Ballots cast:	1103
Total percentage voted:	43.41
Ballots counted on election night:	1046
Percentage counted on election night:	41.16
Ballots received after November 5 which were Timely post marked and counted:	2
Ballots post marked after November 5 And not counted:	1
Ballots received before November 4 which were Marked Undeliverable	10

There were 47 voted provisional ballots counted and 3 not counted. (Provisional Ballot Report follows)

After counting the valid ballots and provisional ballots, the percentage of ballots counted was 43.41 percent.

### PROVISIONAL BALLOT REPORT

Provisional ballots counted:	47
Provisional ballots not counted:	3
No record of previous registration	3

Marla R. Young  
Box Elder County Clerk

Election Summary Report  
Municipal General Election  
November 3, 2015

Date:11/09/15  
Time:08:39:54  
Page:1 of 1

Summary For Perry Municipal, All Counters, All Races  
OFFICIAL RESULTS

Registered Voters 2541 - Cards Cast 1103 43.41%

Num. Report Precinct 4 - Num. Reporting 4 100.00%

BALLOT QUESTION		Total
Number of Precincts		4
Precincts Reporting		4 100.0 %
Times Counted	1103/2541	43.4 %
Total Votes		1084
FOR THE TAX		453 41.79%
AGAINST THE TAX		631 58.21%

PERRY CITY COUNCIL		Total
Number of Precincts		4
Precincts Reporting		4 100.0 %
Times Counted	1103/2541	43.4 %
Total Votes		3140
TOBY K. WRIGHT		780 24.84%
JERRY NELSON		275 8.76%
STEVEN PETTINGILL		291 9.27%
JAMES TAYLOR		969 30.86%
NATHAN T. TUELLER		825 26.27%

Election Summary Report  
Municipal General Election  
November 3, 2015

Date:11/09/15  
Time:11:58:58  
Page:1 of 1

Summary For Perry 1 Municipal, All Counters, All Races  
OFFICIAL RESULTS

Registered Voters 624 - Cards Cast 277 44.39%

Num. Report Precinct 1 - Num. Reporting 1 100.00%

BALLOT QUESTION		Total
Number of Precincts		1
Precincts Reporting	1	100.0 %
Times Counted	277/624	44.4 %
Total Votes	273	
FOR THE TAX	132	48.35%
AGAINST THE TAX	141	51.65%

PERRY CITY COUNCIL		Total
Number of Precincts		1
Precincts Reporting	1	100.0 %
Times Counted	277/624	44.4 %
Total Votes	815	
TOBY K. WRIGHT	228	27.98%
JERRY NELSON	52	6.38%
STEVEN PETTINGILL	60	7.36%
JAMES TAYLOR	243	29.82%
NATHAN T. TUELLER	232	28.47%

Election Summary Report  
Municipal General Election

Date:11/09/15

Time:11:58:58

Page:1 of 1

November 3, 2015  
Summary For Perry 02, All Counters, All Races  
OFFICIAL RESULTS

Registered Voters 486 - Cards Cast 220 45.27%

Num. Report Precinct 1 - Num. Reporting 1 100.00%

BALLOT QUESTION		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	220/486	45.3 %
Total Votes		218
FOR THE TAX	85	38.99%
AGAINST THE TAX	133	61.01%

PERRY CITY COUNCIL		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	220/486	45.3 %
Total Votes		619
TOBY K. WRIGHT	162	26.17%
JERRY NELSON	35	5.65%
STEVEN PETTINGILL	31	5.01%
JAMES TAYLOR	211	34.09%
NATHAN T. TUELLER	180	29.08%

Election Summary Report  
Municipal General Election  
November 3, 2015

Date:11/09/15  
Time:11:58:59  
Page:1 of 1

Summary For Perry 03, All Counters, All Races  
OFFICIAL RESULTS

Registered Voters 722 - Cards Cast 312 43.21%

Num. Report Precinct 1 - Num. Reporting 1 100.00%

BALLOT QUESTION		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	312/722	43.2 %
Total Votes		304
FOR THE TAX	127	41.78%
AGAINST THE TAX	177	58.22%

PERRY CITY COUNCIL		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	312/722	43.2 %
Total Votes		890
TOBY K. WRIGHT	226	25.39%
JERRY NELSON	57	6.40%
STEVEN PETTINGILL	74	8.31%
JAMES TAYLOR	288	32.36%
NATHAN T. TUELLER	245	27.53%

Election Summary Report  
Municipal General Election

Date:11/09/15

Time:11:58:59

Page:1 of 1

November 3, 2015

Summary For Perry 4 Municipal, All Counters, All Races

OFFICIAL RESULTS

Registered Voters 709 - Cards Cast 294 41.47%

Num. Report Precinct 1 - Num. Reporting 1 100.00%

BALLOT QUESTION		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	294/709	41.5 %
Total Votes		289
FOR THE TAX	109	37.72%
AGAINST THE TAX	180	62.28%

PERRY CITY COUNCIL		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	294/709	41.5 %
Total Votes		816
TOBY K. WRIGHT	164	20.10%
JERRY NELSON	131	16.05%
STEVEN PETTINGILL	126	15.44%
JAMES TAYLOR	227	27.82%
NATHAN T. TUELLER	168	20.59%

Election Summary Report  
Municipal General Election  
November 3, 2015

Date:11/03/15  
Time:21:09:34  
Page:1 of 1

Summary For Perry Municipal, All Counters, All Races  
UNOFFICIAL RESULTS

Registered Voters 2541 - Cards Cast 1046 41.16%

Num. Report Precinct 4 - Num. Reporting 4 100.00%

BALLOT QUESTION		Total
Number of Precincts		4
Precincts Reporting		4 100.0 %
Times Counted	1046/2541	41.2 %
Total Votes		1029
FOR THE TAX		435 42.27%
AGAINST THE TAX		594 57.73%

PERRY CITY COUNCIL		Total
Number of Precincts		4
Precincts Reporting		4 100.0 %
Times Counted	1046/2541	41.2 %
Total Votes		2984
TOBY K. WRIGHT		739 24.77%
JERRY NELSON		264 8.85%
STEVEN PETTINGILL		277 9.28%
JAMES TAYLOR		921 30.86%
NATHAN T. TUELLER		783 26.24%

*Election Night*

Election Summary Report  
Municipal General Election  
November 3, 2015

Date:11/03/15  
Time:13:03:30  
Page:1 of 1

Summary For Perry Municipal, All Counters, All Races  
ZERO REEPORT

Registered Voters 2541 - Cards Cast 0 0.00%

Num. Report Precinct 4 - Num. Reporting 0 0.00%

BALLOT QUESTION	Total		
Number of Precincts	4		
Precincts Reporting	0	0.0 %	
Times Counted	0/2541	0.0 %	
Total Votes	0		
FOR THE TAX	0	N/A	
AGAINST THE TAX	0	N/A	

PERRY CITY COUNCIL	Total		
Number of Precincts	4		
Precincts Reporting	0	0.0 %	
Times Counted	0/2541	0.0 %	
Total Votes	0		
TOBY K. WRIGHT	0	N/A	
JERRY NELSON	0	N/A	
STEVEN PETTINGILL	0	N/A	
JAMES TAYLOR	0	N/A	
NATHAN T. TUELLER	0	N/A	

# Absentee Ballot Status Report

Election on 11/03/2015

November 9, 2015

<b>Precinct</b>	<b>Permanent Absentee</b>	<b>Active for Election</b>	<b>Generated Ballot</b>	<b>Ballot Returned</b>
PER1:M	29	36	37	23
PER2	95	96	95	60
PER3	136	136	137	83
PER4:M	26	26	27	17
<b>Totals</b>	<b>286</b>	<b>294</b>	<b>296</b>	<b>183</b>

# Thursday, November 12, 2015

## PERRY CITY COUNCIL MEETING AGENDA

The Perry City Council will hold a meeting on the Thursday identified above, starting at approximately 7:15 PM after a 7:00 PM Board of Canvassers Meeting 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. 7:15 PM – Regular Meeting**

#### **1. Call to Order and Opening Ceremonies**

- A. Invocation – Peter Gerlach
- B. Pledge of Allegiance – Jana Nelson
- 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)
- D. Awarding of Lifetime Passes

#### **3. Presentations**

- A. Business License Fee Medium Size Retail
- B. Pre-Disaster Mitigation Plan

#### **4. Approx. 7:30 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 Hearing Regarding Resolution 15-18 Approving a Business License Fee For Medium Size Retail
- B. Public Comments

#### **5. Approx. 7:50 PM – Action Items (Roll Call Vote)**

- A. Approval of the Warrants
- B. Appointment of Perry City Expert to the Wastewater Treatment Plant Budget Review Board
- C. Resolution 15-18 Approving a Business License Fee for Medium Size Retail
- D. Resolution 15-19 to Approve a Pre-Disaster Mitigation Plan
- E. Resolution 15-20 to Approve a 2016 City Council Meeting Schedule
- F. Resolution 15-21 Approving Award Passes to the Three Mile Creek Shooting Sports Complex
- G. Resolution 15-22 Fire Inspection Requirement for Businesses with Visiting Clientele

#### **6. Approx. 8:20 PM – Discussion Items**

- A. Accounting Contract Renewal
- B. Meeting Protocol
- C. Quarterly Financial Report
- D. Subdivision Procedures
- E. Improvements to Lots in the City Center Subdivision

#### **7. Approx. 8:30 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**

- September 3, 2015 City Council Meeting
- October 1, 2015 City Council Meeting

**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. Staff Comments**

**I. Items for Next City Newsletter**

**8. Approx. 8:55 PM-Executive Session**

**9. Approx. 9:25 PM-Action Item**

**A. Request for Proposal (RFP) Process for Contracted Services**

**10. Approx. 9:30 PM – Adjournment**

**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 5<sup>th</sup> day of November, 2015. Any Individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

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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
<b>Box Elder County</b>								
104	Box Elder County	10/30/2015	Building Inspections per Contract	10/16/2015	6,557.99	6,557.99	10/30/2015	
Total Box Elder County:					6,557.99	6,557.99		
<b>Brigham City Corp.</b>								
6106	Brigham City Corp.	10/02/2015	walmart sales tax	10/01/2015	17,508.69	17,508.69	10/02/2015	
6106	Brigham City Corp.	10/02/2015	interlocal storm water	10/01/2015	117.60	117.60	10/02/2015	
6106	Brigham City Corp.	11/04/2015	walmart sales tax	11/02/2015	17,823.18	17,823.18	11/04/2015	
Total Brigham City Corp.:					35,449.47	35,449.47		
<b>Jones &amp; Associates</b>								
11552	Jones & Associates	16876	city center sub	09/01/2015	799.00	799.00	10/01/2015	
11552	Jones & Associates	16876	public works	09/01/2015	257.00	257.00	10/01/2015	
11552	Jones & Associates	16876	nielson well	09/01/2015	816.00	816.00	10/01/2015	
11552	Jones & Associates	16876	Culinary Water	09/01/2015	480.50	480.50	10/01/2015	
11552	Jones & Associates	16876	Storm Drain	09/01/2015	480.50	480.50	10/01/2015	
11552	Jones & Associates	16876	Storm Drain	09/01/2015	976.50	976.50	10/01/2015	
11552	Jones & Associates	16876	Development Reviews	09/01/2015	4,041.50	4,041.50	10/01/2015	
11552	Jones & Associates	16927	city center sub	10/01/2015	272.00	272.00	10/30/2015	
11552	Jones & Associates	16927	public works	10/01/2015	4,265.50	4,265.50	10/30/2015	
11552	Jones & Associates	16927	Streets	10/01/2015	394.50	394.50	10/30/2015	
11552	Jones & Associates	16927	Culinary Water	10/01/2015	1,260.00	1,260.00	10/30/2015	
11552	Jones & Associates	16927	Storm Drain	10/01/2015	190.25	190.25	10/30/2015	
11552	Jones & Associates	16927	sanitary Sewer	10/01/2015	500.50	500.50	10/30/2015	
11552	Jones & Associates	16927	g.i.s.	10/01/2015	46.50	46.50	10/30/2015	
11552	Jones & Associates	16927	sanitary Sewer	10/01/2015	46.50	46.50	10/30/2015	
11552	Jones & Associates	16927	Storm Drain	10/01/2015	139.50	139.50	10/30/2015	
Total Jones & Associates:					14,966.25	14,966.25		
<b>MAVERIK FLEET CARD SERVICES</b>								
11288	MAVERIK FLEET CARD SERVIC	49200760280	GAS PURCHASE	09/30/2015	1,580.94	1,580.94	10/30/2015	
11288	MAVERIK FLEET CARD SERVIC	49200760280	GAS PURCHASE	09/30/2015	321.59	321.59	10/30/2015	
11288	MAVERIK FLEET CARD SERVIC	49200760280	GAS PURCHASE	09/30/2015	461.94	461.94	10/30/2015	
11288	MAVERIK FLEET CARD SERVIC	49200760280	GAS PURCHASE	09/30/2015	407.14	407.14	10/30/2015	
Total MAVERIK FLEET CARD SERVICES:					2,771.61	2,771.61		
<b>Molgard Law Offices</b>								
11773	Molgard Law Offices	10/12/2015	Leagal Services	10/07/2015	2,250.00	2,250.00	10/12/2015	
11773	Molgard Law Offices	11/05/2015	Leagal Services	11/15/2015	2,250.00	2,250.00	11/05/2015	
Total Molgard Law Offices:					4,500.00	4,500.00		
<b>Polydyne Inc.</b>								
11400	Polydyne Inc.	1002510	clarifloc	10/13/2015	2,124.00	2,124.00	11/05/2015	
Total Polydyne Inc.:					2,124.00	2,124.00		
<b>Republic Services</b>								
10200	Republic Services	049300049279	garbage service	09/30/2015	16,069.22	16,069.22	10/12/2015	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total Republic Services:					16,069.22	16,069.22		
<b>Rocky Mountain Power</b>								
2501	Rocky Mountain Power	10/01/2015	WWTP	09/14/2015	5,105.19	5,105.19	10/01/2015	
2501	Rocky Mountain Power	10/01/2015	powe bill	09/14/2015	1,604.05	1,604.05	10/01/2015	
2501	Rocky Mountain Power	10/01/2015	powe bill	09/14/2015	127.58	127.58	10/01/2015	
2501	Rocky Mountain Power	10/01/2015	powe bill	09/14/2015	7,078.18	7,078.18	10/01/2015	
2501	Rocky Mountain Power	10/01/2015	powe bill	09/14/2015	99.55	99.55	10/01/2015	
2501	Rocky Mountain Power	10/01/2015	powe bill	09/14/2015	635.58	635.58	10/01/2015	
2501	Rocky Mountain Power	10/20/2015	WWTP	10/13/2015	4,735.75	4,735.75	10/20/2015	
2501	Rocky Mountain Power	10/30/2015	powe bill	10/19/2015	1,604.04	1,604.04	10/30/2015	
2501	Rocky Mountain Power	10/30/2015	powe bill	10/19/2015	106.97	106.97	10/30/2015	
2501	Rocky Mountain Power	10/30/2015	powe bill	10/19/2015	5,571.24	5,571.24	10/30/2015	
2501	Rocky Mountain Power	10/30/2015	powe bill	10/19/2015	424.57	424.57	10/30/2015	
2501	Rocky Mountain Power	10/30/2015	powe bill	10/19/2015	128.53	128.53	10/30/2015	
Total Rocky Mountain Power:					27,221.23	27,221.23		
<b>Staker &amp; Parson Companies</b>								
10168	Staker & Parson Companies	10/01/2015	Road imptovement	09/21/2015	18,673.60	18,673.60	10/01/2015	
Total Staker & Parson Companies:					18,673.60	18,673.60		
<b>Utah Local Govt. Trust</b>								
4108	Utah Local Govt. Trust	4317	workers comp& bonds	10/19/2015	4,624.58	4,624.58	10/19/2015	
Total Utah Local Govt. Trust:					4,624.58	4,624.58		
<b>West Tech</b>								
10746	West Tech	56708	driver reducer	10/08/2015	14,917.89	14,917.89	10/20/2015	
Total West Tech:					14,917.89	14,917.89		
<b>Zions Bank</b>								
11510	Zions Bank	10/12/2015	Utopia	09/30/2015	9,329.24	9,329.24	10/12/2015	
Total Zions Bank:					9,329.24	9,329.24		
Grand Totals:					157,205.08	157,205.08		

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

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

City Recorder: \_\_\_\_\_

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Report Criteria:

Detail report.

Paid and unpaid invoices included.

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# Resolution 15-18

## Adopting and Approving Business License Fee for Medium Size Retail

**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; and

**WHEREAS**, that in order to provide for safety, preserve health, and promote prosperity, peace, and good order Perry City caused Lewis, Young, Robertson & Burningham, Inc., to conduct a Business License Fee Study for Medium Size Retail in August 2015; and

**WHEREAS**, the City Council has reviewed the Business License Fee Study for Medium Size Retail prepared by Lewis, Young, Robertson & Burningham, Inc., and the recommendation of the Business License Fee Study for Medium Size Retail of \$700.00 - \$1200.00;

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

**Section 1.** The Perry City Council shall establish the business license fee for medium sized businesses at Five Hundred Dollars (\$500.00).

**Section 2.** **Effective Date and Implementation of This Resolution.** This Resolution shall become effective immediately upon its passage. The Mayor and Council are authorized to further implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this \_\_\_\_ day of November, 2015.

**PERRY CITY**

BY \_\_\_\_\_  
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

\_\_\_\_\_  
City Recorder

	Aye	Nay
CHRISTENSEN	_____	_____
GERLACH	_____	_____
MONTGOMERY	_____	_____
LEWIS	_____	_____

JANA NELSON

— —

# BUSINESS LICENSE FEE STUDY FOR MEDIUM-SIZE RETAIL

PERRY CITY, UT



AUGUST 2015



**LEWIS YOUNG  
ROBERTSON & BURNINGHAM, INC.**

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101  
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - [WWW.LEWISYOUNG.COM](http://WWW.LEWISYOUNG.COM)



## Contents

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EXECUTIVE OVERVIEW .....	3
PROCESS OVERVIEW .....	5
BUSINESS LICENSING APPROACH FOR .....	5
MEDIUM-SIZED BUSINESSES IN PERRY CITY .....	5
BASIC REGULATORY AND ADMINISTRATIVE COSTS .....	6
DISPROPORTIONATE SERVICES.....	7
CONCLUSION & OTHER RECOMMENDATIONS .....	10
OTHER RECOMMENDATIONS.....	10
APPENDIX A: MUNICIPAL BUSINESS CLASS DEFINITIONS .....	11
APPENDIX B: BUSINESS CLASS DEFINITION & FEE RECOMMENDATION .....	13
APPENDIX C: LYRB’S 2009 STUDY “ANALYSIS OF BUSINESS LICENSE FEES”.....	14



## EXECUTIVE OVERVIEW

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In January 2009, Perry City (the “City”) retained Lewis Young Robertson & Burningham (“LYRB”) to complete an analysis of commercial business license fees (**APPENDIX B**) to meet the requirements of Utah law as established by Utah Code 10-1-203. The law provides that fees charged reflect the amount necessary to reasonably regulate business activity, including the costs of disproportionate or enhanced levels of municipal services required by some business classes, geographic locations, number of business employees, etc. The 2009 Business License Fee Study, conducted by LYRB, proposed business license fees based upon an appropriate and proportionate distribution of costs related to regulatory, disproportionate and enhanced services.

Recently, the possible burden of current and future disproportionate demands on municipal services from medium-sized businesses<sup>1</sup> who conduct business within the City has been a concern. The City again retained LYRB to produce a report on whether the standard business license fee was appropriate for medium-sized businesses. Based on analysis of the data, it is clear that medium-sized businesses demand emergency services more frequently than other businesses in the Professional Services or Wholesale/Retail Business classes. The estimated yearly cost imposed on municipal emergency services by medium-sized businesses in the City is \$7,388.

While the costs created by a medium-sized business are higher than those created by a smaller business, a medium-sized business will also likely bring in more revenues to a city via property taxes and sales tax. A medium-sized business in the City, for example, paid nearly \$4,000 last year in property taxes. The same business also contributed to the City’s franchise taxes and sales tax revenues<sup>2</sup>. Therefore, when considering a fee for medium-sized businesses, these revenue sources must be taken into consideration along with the business’ disproportionate service costs.

Because medium-sized businesses demand a disproportionately higher level of attention from municipal emergency services and their contributions from sales and property taxes may not always cover those increased costs, LYRB recommends a separate business license fee for this class. This will ensure the increased costs for municipal services are paid by the business class that generates the increased costs. We recommend that the City add an additional class and fee to its business license application. **Additionally, it is critical for the City to define the term “medium-sized business”, in order to effectively regulate and allocate appropriate and proportionate costs that this business class creates on the City.** **APPENDIX A** provides some examples of business class definition.

This option is illustrated in figure 1 and is bolded for emphasis. Figure 1 is an excerpt from the City’s business license application and upon the City defining the class of business, could include the amount in the table. Applicants are to check each box that applies to their business and then pay the appropriate fees. The space where a medium-sized business fee amount belongs was intentionally left blank. Once city staff and council agree upon the appropriate amount, the blank space can be filled in.

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<sup>1</sup> For the purpose of this report, medium-sized business means a business occupying a space between 10,000 sq. ft. and 49,999 sq. ft. The City will have to decide how to define medium-sized business if a special class and fee are to be created.

<sup>2</sup> Because of the sensitive and confidential nature of sales tax information, the data collected concerning Perry’s medium-sized business’ paid sales taxes will not be discussed.

**Figure 1: Amended Business Classes and Groups' Fees from Perry City's Business License Application**

Check all that Apply:

1. <input type="checkbox"/> Professional Services \$34	8. <input type="checkbox"/> Food /Fruit Sales \$125	15. <input type="checkbox"/> Truck Stop \$2,608
2. <input type="checkbox"/> Home Business \$30	9. <input type="checkbox"/> Large Scale Constr. \$2,359	16. <input type="checkbox"/> Restaurant \$125
3. <input type="checkbox"/> Wholesale/Retail Bus. \$30	10. <input type="checkbox"/> Live Performance \$125	17. <input type="checkbox"/> Temporary \$34
4. <input type="checkbox"/> Big Box \$5,000	11. <input type="checkbox"/> Movie Theater \$125	18. <input type="checkbox"/> Amusement Machines \$30
5. <input type="checkbox"/> Construction \$125	12. <input type="checkbox"/> Public Lodging \$34	19. <input type="checkbox"/> Vending Machines \$5
6. <input type="checkbox"/> Automotive \$34	13. <input type="checkbox"/> Rental \$41 (+\$10/unit)	20. <input type="checkbox"/> Class A Beer \$225
7. <input type="checkbox"/> Gas Station/Conv. Store \$125	14. <input type="checkbox"/> Storage Units \$125	21. <input type="checkbox"/> Public Exhibitions \$30/day
22. <input type="checkbox"/> Solicitors \$38 per person (ID required for all participants)	23. <input type="checkbox"/> <b>Medium-Sized Bus.</b> \$_____	

Additional recommendations pertaining to the City's business license application and code are found in the **Final Recommendations & Conclusion** section. Details of this report's analysis, methods, data, and conclusion can be found in the body of the report and the Appendixes.

## PROCESS OVERVIEW

LYRB's previous study, Analysis of Business License Fees 2009 (**APPENDIX B**), considered the costs to businesses under three categories as follows:



## BUSINESS LICENSING APPROACH FOR MEDIUM-SIZED BUSINESSES IN PERRY CITY

This report, may be seen as an extension of the 2009 report, as it utilizes costs, calculations, and figures from the 2009 report. The focus of this report is on where, how, and to what extent medium-sized businesses differentiate themselves from regular wholesale/retail businesses in terms of costs to the City. The process involved examining the burden they placed on basic regulatory and administrative costs and disproportionate services. As with the 2009 report, this analysis does not take the costs of the enhanced services category into consideration.

LYRB gathered information pertaining to basic regulatory and administrative demands created by medium-sized businesses through interviews with city employed business license specialists. Information concerning disproportionate services was collected from city recorders and law enforcement staff. In addition, LYRB gathered sales and property tax data from the City's finance department and from the county assessor's office.

## BASIC REGULATORY AND ADMINISTRATIVE COSTS

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All businesses in Perry must be licensed by the City to operate. Much of the regulatory and administrative costs pertain to business licensing. Issuing and overseeing business licenses involves the following departments: Community Development for business licensing, Administration for business licensing support services, and the Fire Department which performs physical, on-site inspections.

Increased regulatory and administrative costs from a business class occur when businesses within the same class:

- ▣ Take more time to license or renew their license;
- ▣ Burden licensing support services with more inquiries; and
- ▣ Require longer fire inspections.

If any of the characteristics from the above bulleted list can apply to a business class, regulatory and administrative costs is a justification for an increased business licenses fee.

Interviews with the business licensing specialist at Perry City revealed that none of the characteristics applied to the medium-sized businesses in Perry City. As an example, business licensing personnel at the City indicated that licensing Tractor Supply Co. did not take any longer than other Professional Services or Wholesale/Retail Business class businesses.

LYRB also interviewed other business licensing specialists from other cities. The specialists from Spanish Fork, Brigham City, and Logan all said that medium-sized businesses do not impose increased regulatory or administrative costs relative to other Professional Services or Wholesale/Retail Business class businesses.

While comparative data is always helpful, it may be less valuable with the regulatory and administrative costs category. Because cities can differ so dramatically in their policies, processes, and procedures, comparisons across cities could be less affected by the business class and more related to the city's code and culture. LYRB, therefore, recommends that the City conduct future analysis after its business licensing policies, processes, or procedures change, rather than relying heavily on data from other cities.

In summation, medium-sized businesses do not impose higher basic regulatory or administrative costs than smaller-sized businesses. This is the case in Perry and in other cities in Utah.

## DISPROPORTIONATE SERVICES

Disproportionate services include the additional costs which some businesses generate that are in excess of their proportionate presence in the community. Examples include the additional regulatory services required by some classes of businesses such as day-care and nursing homes as well as businesses with a disproportionately high demand for municipal services (i.e. fire, EMS, police).

At the time the study was conducted, the City only had one business that fit into the medium-sized business category, Tractor Supply Co. Because of this small sample size and a lack of longitudinal data, LYRB also acquired data on medium-sized businesses in other cities for comparison.

At the time of this report's completion, Tractor Supply Co. had only been in business in the City for nearly 10 months, therefore LYRB estimated the number of calls for services to businesses during the 9 month period. Because business license fees are based on annual costs, and because we only had 9 full months' worth of data on the business, the report used data from a specific time period. The time period used is the 9 months from October 2014 to June 2015. Data on calls for service is converted to 9 months of data. We also made a yearly projection for calls to the medium-sized business.

Data Description	Amount	Conversion	Final Figure
Service Calls to Tractor Supply Co. (10/2014 – 6/2015)	14	9 months to 12 months $14 + (14 * 0.33)$	18.6
Total service calls to businesses June 1, 2014 – June 30, 2015	345	13 months to 9 months $345 - (26.5 * 4)$	239

In order to identify disproportionate service levels, LYRB interviewed City officials and service providers and obtained data regarding calls for service. Costs per call were applied based on the estimated costs of services from the 2009 report (Appendix B) and then adjusted to 2015 dollars based on the annual percentage increase in the public safety actual and budgeted expenses.

LYRB obtained the number of calls for emergency services (Police, Fire and EMS) from June 1<sup>st</sup>, 2014 – June 30<sup>th</sup> 2015. The city recorder organized the database and determined the number of calls to businesses. During our 9 month time period, emergency services responded to 239 calls to businesses. 14 of the 239 calls for service were made to Tractor Supply Co<sup>3</sup>. This medium-sized business, therefore, accounted for 5.9% of the total service calls to businesses in the City.

<sup>3</sup> Five of the fourteen calls were made within the first two and a half months. This high call volume in a short span of time was likely due to a new alarm system. Once properly installed and calibrated, alarm systems will alert emergency services less frequently. The business' first year's number of service calls may, therefore, be higher than future years' calls. Based on this understanding, the city may determine a lower level of disproportionate services for this class of business

Based on a 2014 list of businesses operating in the City, there are 246 businesses in Perry. Tractor Supply Co., therefore, makes up less than half a one percent of the businesses in the City (0.4%). Data from the previous paragraphs is summarized below in Table 2.

Category	Total
Service calls to businesses (10/2014 – 6/2015)	239
Number of businesses	246
Number of services calls to medium-sized business (10/2014 – 6/2015)	14
% of business service calls to Medium-sized business	5.9%
Medium-sized businesses' proportion of the total number of businesses in Perry	0.4%

Tractor Supply Co., Perry's only medium-sized business as of August 2015, has only been in the City since October of 2014. The City, therefore, lacks longitudinal data on medium-sized businesses. A lack of lengthy historical data makes data from other cities particularly valuable. Below, in Table 3, is comparative data on the number of services calls made to medium-sized businesses in other cities.

City	Average Number of Calls Annually to a Medium-Sized Business ( <i>per business</i> )
Brigham City (2014)	5
Logan (2013-2015)	11
Marriott-Slaterville (2012)	25.5

Many factors contribute to the total number of calls for service to a business. These factors include population, population density, and size and culture of law enforcement agency to name a few. These variables can vary significantly from city to city. This comparative data is useful to this report because it illustrates that Perry's medium-sized business' number of calls for service is within a normal range.

In summation, Perry's medium-sized business requires significantly more service calls than other businesses in the Professional Services or Wholesale/Retail Business class. The business makes up 0.4 percent of all businesses in Perry, but contributes to 5.9 percent of the demand for service calls from emergency services.

The higher demand for service calls is a disproportionate service cost to the city. This data supports the City's consideration in creating a medium-sized business class and charging businesses of that class a higher fee than the Professional Services or Wholesale/Retail Business class.

## MEDIUM-SIZED BUSINESS LICENSE FEE

This report has thus established that administrative and regulatory costs are similar between medium-sized businesses and other Professional Services or Wholesale/Retail Business class businesses. Medium-sized businesses do, however, create a disproportionate demand on municipal emergency services. Using data from the 2009 Business License Fee Study and the number of services calls to the medium-sized business, this report will now propose the maximum fee the city could defensibly charge medium-sized businesses.

From the 2009 study, the average cost of a service call to a business was \$216 for police, \$955 for fire, and \$906 for EMS. Adjusting the fees based on the annual increase in the City’s public safety budget, those costs in 2015 dollars are \$247 for police, \$1093 for fire and \$1036 for EMS. From 10/2014 to 6/2015 the City received 14 service calls to the medium-sized business. From those calls, police had to respond to all 14 and fire and ambulance each had to respond to 1 of those calls (in addition to police). To forecast the annual cost of providing service calls to the medium-sized business, their 9 months of calls must be forecasted to a years’ worth of calls. This was done by multiplying the total number of calls received this year by 1.33.

The cost of providing emergency services for the year can be seen by multiplying the costs of the three services by the number of times they were/ will be required and adding the three numbers together. The total cost comes to **\$7,388**. Table 4, below, illustrates the data and this cost.

Category	Cost per Response	Projected Annual Calls			
Police (2009)	\$216				
Fire (2009)	\$955				
EMS (2009)	\$906				
Police (2015)	\$247	*	18.7	=	\$4,621
Fire (2015)	\$1093	*	1.3	=	\$1,420
EMS (2015)	\$1036	*	1.3	=	\$1,347
					\$7,388

LYRB believes that this maximum supportable business license fee associated with the medium sized business class needs to be weighed against the additional net contributions made by this business category. This business category or class also contributes disproportionately to the City’s sales, franchise and property tax revenues. Last year, the business paid \$3,797 in property taxes. It also contributed to the City’s sales and franchise tax revenues. When calculating this fee, the City must consider both the disproportionate expenses and revenues generated by medium-sized businesses.

## CONCLUSION & OTHER RECOMMENDATIONS

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Only with disproportionate services do medium-sized businesses impose higher demands or costs to the City than other Professional Services or Wholesale/Retail Business class businesses. Disproportionate service, therefore, is the only category in which the City may justify applying a higher fee to medium-sized businesses. They demand disproportionate service from municipal emergency services (0.4 percent of the businesses in the City using 5 percent of the emergency services to businesses). In the City from October 2014 through June 2015, the actual cost of a medium-sized business to emergency services was \$5,588. An annual estimation of this cost would be roughly \$7,388.

Before the City charges a disproportionate fee of \$7,388, it should consider how the medium-sized businesses defray this cost through other municipal revenues, like sales, franchise and property taxes. Last year the City's medium-sized business paid \$3,797 in property taxes and contributed to the City's franchise and sales tax revenues. The City must settle upon a fee that balances the disproportionate service costs with municipal revenue contributions.

To further aid the City in defining what a medium-sized business is and what fee should be applied to businesses of the class, LYRB conducted research into what other cities' definitions and fees are. Appendix A includes two different kinds of measures for defining business size (square footage and number of employees) and the fees for different sized businesses. The City should be careful when applying square footage and number of employees as the determining characteristics for medium-sized businesses. For example, several businesses that fall into the Professional Services class (Doctor's office, CPA firms, etc.) may also match with the definition of medium-sized businesses if the only measured characteristics are employees and square footage. These types of businesses do not typically create the same demand on disproportionate services as a mid-size retailer.

## OTHER RECOMMENDATIONS

As part of the analysis we studied the City's code concerning business regulations and licensing. From study of the City's code, LYRB would like to make a few recommendations pertaining to the City's Code and business license application form:

1. We recommend the City include a definition of "Big Box" in its code. The City has classified Big Box companies separately from Wholesale/Retail businesses. Adding a definition will mitigate any future complications related to regulation and enforcement of Big Box companies.
2. If the City decides to classify medium-sized businesses separately and adopt a fee for businesses of the class, a definition of medium-sized business should also be included in the City's code. **APPENDIX A** includes examples of a few Utah municipalities' definitions of "Big Box" and distinctions for business sizes.
3. Consider making an addition to the business license application form. The State of Utah requires all businesses operating in the State to register with the Department of Commerce. Once registered, businesses receive an entity number. Requiring business to provide an entity number on their business license application or renewal form will help ensure businesses operate legally in the City.

## APPENDIX A: MUNICIPAL BUSINESS CLASS DEFINITIONS

Definitions of “Big Box” businesses from the City codes of Taylorsville and Saratoga Springs.

### Taylorsville, Utah

5.90.010: DEFINED:

"Department store/big box" means an entity that engages in retailing a wide range of products with no one merchandise line predominating. Such wide range of products includes, but is not limited to, apparel, furniture, appliances, and home furnishings and selected additional items such as paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, and sporting goods. Merchandise lines are normally arranged in separate departments. These entities generally include warehouse clubs, superstores, or supercenters.

### Saratoga Springs

237. “Retail, Big box” means a singular retail or wholesale use, which occupies no less than 50,000 square feet of gross floor area, that may:

- a. require high parking to building area ratios;
- b. have a regional sales market; and
- c. include:
  - i. regional retail or wholesale sales; and
  - ii. membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

Different types of definitions of business size along with their fees. Brigham City and Logan define size by square footage. West Jordan defines size by the number of employees.

### Brigham City, Utah

#### 14.02.080-090 General Business and Professional License Fees

Fees for general commercial businesses and professions	
Fees for Level I Commercial (up to 15,000 sq.ft.).....	FirstYear- \$115.00 (Renewal-\$75.00)
Fees for Level If Commercial (15,001 sq.ft. up to 30,000).....	FirstYear-\$140.00 (Renewal-\$80.00)
Fees for Level III Commercial (30,001 sq.ft. up to 50,000).....	FirstYear-\$165.00 (Renewal-\$90.00)
Fees for Level IV Commercial (over 50,000 sq.ft.).....	FirstYear-\$190.00 (Renewal-\$ 100.00)

### Logan City, Utah

License Classification	Application Fee	Renewal Fee
Commercial (Level 1) - under 10,000 sq. ft.	\$150	\$100
Commercial (Level 2) - 10,000 + sq. ft	\$250	\$200



## West Jordan City, Utah

### Commercial business licensing fees

(These fees may be prorated, call before paying.)

- \$75.00 base fee for all businesses employing up to 10 people
- \$100.00 base fee for all businesses employing 11 to 50 people
- \$150.00 base fee for all businesses employing 51 to 250 people
- \$250.00 for all businesses employing 251 to 500 people = \$750.00
- \$300.00 for all businesses employing 501 plus people = \$750.00
- \$3.00 per full-time employee and \$1.50 per part-time employee for each employee if the business has less than 250 employees
- \$1.00 for each full-time equivalent employee in excess of 250 employees

## APPENDIX B: BUSINESS CLASS DEFINITION & FEE RECOMMENDATION

The body of this report contains the analysis and tools needed to define a medium-sized business class and produce a disproportionate service fee for the class. Per a request from the City, LYRB offers a recommendation for a definition of “medium-sized business” and an associated fee that is both defensible and competitive.

### Definition

“Medium-Sized Business” or Medium-Sized Retail” means any business that is primarily a retail operation with a store size between 10,000 and 50,000 square feet.

### Proposed Fee

In order to set a fee that is competitive, the City must be aware of the current fees charged by surrounding cities. The following table lists nearby cities and the fee a medium-sized retailer would have to pay.

**Table 5: Surrounding Cities’ Fees for a Medium-Sized Retailer**

City	Fee
Brigham City*	\$140
Box Elder County	\$50
Corinne	\$25
Far West	\$200
Harrisville**	\$66
Honeyville	\$20
Ogden	\$328 + \$7 per employee
Plain City	\$60
Pleasant View	\$65
* City has a renewal fee that is different from the initial fee, \$80	
** City is currently conducting a business licenses fee study, so fees will likely soon be altered.	

Based on this report’s analysis and an awareness of where other cities have set their business license fees, LYRB recommends the following fee schedule range for medium-sized businesses:

Medium-sized business license fee: \$700 - \$1,200

The primary factor used to set the proposed range is the number of calls for emergency services to the City’s one medium-sized business for the nine full months it has been operating. Because of the narrow window in which data was available, LYRB strongly recommends the City continue to monitor the number of service calls to the medium-sized business over the next one to two years. If the average calls per year differ significantly from this report’s projections (see page 9), the City should adjust the fee accordingly.



## APPENDIX C: LYRB'S 2009 STUDY "ANALYSIS OF BUSINESS LICENSE FEES"

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## **BUSINESS LICENSE FEE ANALYSIS**

**PERRY CITY, UTAH**

**JANUARY 2009**

**SUBMITTED BY:  
LEWIS YOUNG ROBERTSON &  
BURNINGHAM, INC.**

# ANALYSIS OF BUSINESS LICENSE FEES

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## INTRODUCTION AND DEFINITIONS

Lewis Young Robertson & Burningham Inc. (“LYRB”) was retained by Perry City (the “City”) to complete an analysis of commercial business license fees that meet the requirements of Utah law as established by Utah Code 10-1-203. The law provides that fees charged reflect the amount necessary to reasonably regulate business activity, including the costs of disproportionate or enhanced levels of municipal services required by some business classes, geographic locations, number of business employees, etc. The framework for business license fees is based upon a rational nexus test to determine appropriate distribution of costs.

The analysis considers costs to businesses under three main categories as follows:



**BASIC ADMINISTRATIVE** Basic administrative services include the costs incurred to register, oversee and maintain records on licensed businesses within the City. Some regulatory services and accompanying costs are essential to all businesses while others (such as inspections and premises checks) are unique to certain types of business activity. In summary, basic administrative costs include the standard labor for *all* businesses including : i) business license application and registration process, ii) issuance of license, iii) inspections, iv) collection of fees, v) maintenance of records, vi) preparation of business reports and required verifications.

In order to estimate the *basic* administrative costs of a business license, our primary source of information has been Perry City. Costs have been evaluated based on time spent by employees, employee wages, and the cost of materials and equipment used. Business license costs also account for the business license department’s fair share of indirect administrative costs that benefit the business license department.

**DISPROPORTIONATE SERVICES** Disproportionate services include the additional costs which some businesses generate that are in excess of their proportionate presence in the community. This includes the additional regulatory services that are required by some classes of businesses such as day-care and nursing homes as well as businesses with a disproportionately high demand for municipal services (i.e. fire, EMS, police). In order to identify disproportionate service levels, LYRB has interviewed City officials and service providers and has obtained data regarding calls for service. Perry city fire services are contracted out with the Brigham City Fire Department. Costs were applied based on the estimated costs of services provided by police, fire and EMS departments.



**ENHANCED SERVICES** Enhanced service levels are generally those services which are increased in a particular geographic location of town, such as downtown, or the town center of a resort community. These may include services for enhanced levels of snow removal, police patrol, streetscape design, more frequent trash removal, additional signage, etc. If these services are provided, appropriate fees may be charged to compensate the City for the related costs. Perry City has indicated that, at this point in time, the City does not provide enhanced service levels to any areas of the community and has no immediate plans to do so. Therefore, no fees have been calculated for enhanced levels of service.

**BUSINESS CLASSES** Utah legislation allows cities wide latitude in defining the business classes and groupings which are most appropriate for each locality. Based on discussions with Perry City, a review of the calls for service and a review of the distinctions used by other cities, we feel that type of business activity is the most accurate means of calculating the true costs associated with various businesses. By law, "all license fees and taxes shall be uniform in respect to the class upon which they are imposed" [Utah Code 10-1-203(6)]. Appendix A contains a list of all business classes established in Perry City.

**BASIC ADMINISTRATIVE SERVICES**

All businesses, whether home occupation or commercial, must be licensed. The costs associated with licensing a business stem from two main sources – direct business license costs and indirect costs.

**DIRECT BUSINESS LICENSE COSTS** Direct business license costs include labor and department overhead costs for all processes required in issuing and overseeing business licenses in the City of Perry. The following departments are involved in business licensing: i) Community Development (business licensing), ii) Administration (business licensing support services), and iii) Fire (inspections). A direct per minute cost was calculated for each employee involved in the business licensing process using the following method:



Due to salary confidentiality, this report does not include figures for City personnel labor costs per minute. However, Table 1.1 shows the total per minute direct business costs for personnel involved in the business licensing process. All figures used in calculating direct business licensing costs were provided by Perry City.



**Table 1.1**

DIRECT PER MINUTE COSTS FOR BUSINESS LICENSING	
Business Licensing	\$0.37
Support Services	\$0.43
Fire	\$0.47

**INDIRECT BUSINESS LICENSE COSTS** In addition to the direct costs associated with business licensing, the business license department must pay for its fair share of the City’s indirect costs. Indirect costs include legislative, financial and executive services that are provided to all departments as well as general building costs and non-departmental expenditures. These indirect costs of approximately \$263,455 are shown in Table 1.2 below.

**Table 1.2**

ADMINISTRATIVE COSTS	
Finance	\$44,616
Executive & Legislative	\$99,753
General Building & Non-Departmental Expenditures	\$119,086
<b>TOTAL</b>	<b>\$263,455</b>

Indirect costs are divided into two separate costs - fixed costs and variable costs. Fixed costs represent administrative services provided to each department regardless of size. Variable costs represent administrative services provided to each department in proportion to the size of the department. Based on the City’s ratio of total fixed costs to total variable costs for each department, we have calculated fixed costs to be approximately 12 percent (\$31,615), with the remaining 88 percent (\$231,840) of administrative services assigned as variable costs. As shown in table 1.3, the fixed costs of \$31,615 were divided between the 5 City departments with approximately \$6,323 being allocated to each department. The variable costs of \$231,840 were allocated to each of the five department based on department size. <sup>1</sup>

**Table 1.3**

INDIRECT COSTS						
	<u>Community &amp; Economic Development</u>	<u>Police</u>	<u>Fire</u>	<u>Public Works</u>	<u>Administration</u>	<u>Total</u>
12% Fixed	\$6,323	\$6,323	\$6,323	\$6,323	\$6,323	\$31,615
88% Variable	\$26,346	\$105,382	\$10,538	\$52,690	\$36,884	\$231,840
<b>TOTAL</b>	<b>\$32,669</b>	<b>\$111,705</b>	<b>\$16,861</b>	<b>\$59,013</b>	<b>\$43,207</b>	<b>\$263,455</b>

<sup>1</sup> For purposes of this analysis, department size was determined by total department hours worked. However, because fire services are contracted out, the amount of variable costs allocated to the fire department was reduced.



City employees involved with business licensing procedures are included in the Community & Economic Development, Administration and Fire Departments. Table 1.4 shows the amount of fixed and variable indirect costs allocated to the departments involved in the business licensing process.

**Table 1.4**

INDIRECT PER MINUTE COSTS				
	Indirect Costs	Department Hours Worked	Indirect Cost Per Hour	Indirect Cost Per Minute
Community & Economic Development	\$32,669	5,200	\$6.28	\$0.10
Support Services (Administration)	\$43,207	7,280	\$5.93	\$0.10
Fire	\$16,861	2,080	\$8.11	\$0.14

Total employee per minute costs are calculated by adding the direct (see table 1.1) and indirect per minute costs.

**Table 1.5**

TOTAL EMPLOYEE PER MINUTE COSTS			
	Direct Cost	Indirect Cost	Total Cost
Business Licensing	\$0.37	\$0.10	\$0.47
Support Services (Administration)	\$0.43	\$0.10	\$0.53
Fire	\$0.47	\$0.14	\$0.61

Also included in the cost of business licensing are the supplies necessary for renewing and issuing business licenses. Table 1.6 shows the calculations for the cost per business license for supplies. The "Cost per License" is the estimated cost for supplies per license for business license renewals and new applications.

**Table 1.6**

ESTIMATED SUPPLIES		
	Count	Cost
Business License Renewal Forms (2 pgs.)	70	\$4.97
Business License Renewal Envelopes	35	\$5.39
Business License Renewal Postage	35	\$14.70
Business License Certificates	35	\$19.95
Business License Certificate Envelopes		\$5.39
Certificate Postage		\$14.70
<b>Total</b>		<b>\$65.10</b>
Total Number of Businesses		35
<b>Cost Per License</b>		<b>\$1.86</b>
*Estimates of supply costs have been provided by Perry City.		



**BUSINESS LICENSE RENEWALS** The Community Development and Administration departments provide the services necessary for processing business license renewals. They are identified in this analysis as “Business Licensing” (Community Development) and “Support Services” (Administration) personnel. The business licensing and support services personnel take applications, answer questions, copy documents, prepare and mail business licenses, deposit payments and distribute appropriate forms to assisting personnel. Perry City estimates that it takes roughly 50 minutes (business licensing) per business license renewal in order to adequately perform the previously identified tasks. Supporting personnel spent approximately 10 minutes per license assisting in business license procedures.

The basic costs for the *renewal* of a commercial business license are summarized in the table below. Note that the renewal time includes the direct time for processing the paperwork for renewal of a business license (previously identified at 50 minutes), plus each license’s fair share of all business license activities on an annual basis (i.e., customer service, reports, meetings, phone calls, etc.).<sup>2</sup>

**Table 1.7**

SUMMARY OF BASIC REGULATORY SERVICES – BUSINESS LICENSE RENEWAL			
Commercial Businesses			
	Minutes	Cost per Minute	Total Cost
Business License (Prepare renewal form, review returned application, respond to phone calls, prepare certificates, coordinate with assisting personnel, etc.)	55	\$0.47	\$25.85
Support Services (Distribute forms, answer questions, take payment, sign, stamp, and mail certificates, etc.)	11	\$0.53	\$5.83
Supplies			\$1.86
<b>TOTAL</b>			<b>\$33.54</b>

The following table shows the business license renewal costs for rental units. The renewal costs for rental units are slightly higher due to the cost of the good landlord program.

**Table 1.8**

SUMMARY OF BASIC REGULATORY SERVICES – BUSINESS LICENSE RENEWAL			
Rental Units			
	Minutes	Cost per Minute	Total Cost
Business License (Prepare renewal form, review returned application, respond to phone calls, prepare certificates, coordinate with assisting personnel, etc.)	55	\$0.47	\$25.85

<sup>2</sup> An additional 10 percent is added to personnel time to account for reports, meetings, phone calls, etc. Actual cost per minute of .4718 was used for calculating business license costs - 55 \* .4718 = \$25.95.



SUMMARY OF BASIC REGULATORY SERVICES – BUSINESS LICENSE RENEWAL			
Rental Units			
	Minutes	Cost per Minute	Total Cost
Support Services (Distribute forms, answer questions, take payment, sign, stamp, and mail certificates. etc.)	11	\$0.53	\$5.83
Good landlord program			\$7.38
Supplies			\$1.86
<b>TOTAL</b>			<b>\$40.92</b>

Background checks are required for all solicitors and therefore, additional time is required to process and renew solicitor applications. The following table shows the business license renewal cost for solicitors.

**Table 1.9**

SUMMARY OF BASIC REGULATORY SERVICES – BUSINESS LICENSE RENEWAL			
Solicitors			
	Minutes	Cost per Minute	Total Cost
Business License (Prepare renewal form, review returned application, respond to phone calls, prepare certificates, coordinate with other departments, etc.)	55	\$0.47	\$25.85
Support Services (Distribute forms, answer questions, take payment, sign, stamp, and mail certificates, etc.)	20	\$0.53	\$10.60
Supplies			\$1.86
<b>TOTAL</b>			<b>\$38.31</b>

**BUSINESS LICENSE APPLICATIONS** The following tables summarize the basic cost of a business license for new commercial businesses. While new business license applications occasionally require additional business license administration time answering questions and explaining regulations, Perry City estimates the average time spent servicing new business license applications is similar to that required for business license renewals. The fire marshal conducts inspections on all new commercial businesses.

**Table 1.10**

SUMMARY OF BASIC REGULATORY SERVICES – NEW BUSINESS LICENSE APPLICATION			
Commercial Businesses			
	Minutes	Cost per Minute	Total Cost
Business License (Prepare renewal form, review returned application, respond to phone calls, prepare certificates, coordinate with other departments, etc.)	55	\$0.47	\$25.85
Support Services (Distribute forms, answer questions, take payment, sign, stamp, and mail certificates, etc.)	11	\$0.53	\$5.83



<b>SUMMARY OF BASIC REGULATORY SERVICES – NEW BUSINESS LICENSE APPLICATION</b>			
<b>Commercial Businesses</b>			
	<b>Minutes</b>	<b>Cost per Minute</b>	<b>Total Cost</b>
Fire Inspection	45	\$0.61	\$27.45
Supplies			\$1.86
<b>TOTAL</b>			<b>\$60.99</b>

**Table 1.11**

<b>SUMMARY OF BASIC REGULATORY SERVICES – NEW BUSINESS LICENSE APPLICATION</b>			
<b>Big Box/Large Scale Commercial</b>			
	<b>Minutes</b>	<b>Cost per Minute</b>	<b>Total Cost</b>
Business License (Prepare renewal form, review returned application, respond to phone calls, prepare certificates, coordinate with other departments, etc.)	55	\$0.47	\$25.85
Support Services (Distribute forms, answer questions, take payment, sign, stamp, and mail certificates, etc.)	11	\$0.53	\$5.83
Fire Inspection	240	\$0.61	\$146.40
Supplies			\$1.86
<b>TOTAL</b>			<b>\$179.94</b>

**Table 1.12**

<b>SUMMARY OF BASIC REGULATORY SERVICES – NEW BUSINESS LICENSE APPLICATION</b>			
<b>Solicitors</b>			
	<b>Minutes</b>	<b>Cost per Minute</b>	<b>Total Cost</b>
Business License (Prepare renewal form, review returned application, respond to phone calls, prepare certificates, coordinate with other departments, etc.)	55	\$0.47	\$25.85
Support Services (Distribute forms, answer questions, take payment, sign, stamp, and mail certificates, etc.)	20	\$0.53	\$10.60
Supplies			\$1.86
<b>TOTAL</b>			<b>\$38.31</b>

**DISPROPORTIONATE SERVICES**

Disproportionate fees include additional services that are required for: i) Special regulations and inspections and ii) Calls for police, fire and EMS services that exceed the base level of services provided in the community

In order to calculate disproportionate costs and fees, cities must first establish what constitutes the base level for each of the varying services they provide – such as the number of calls for service to the police department or fire department, business-related paperwork and administrative oversight, inspections, etc.



According to Utah Code 10-1-203(5)(iii)(c), "Before the governing body of a municipality imposes a license fee or tax on a business that causes disproportionate costs of municipal services under Subsection (5)(a)(iii), the governing body of the municipality shall adopt an ordinance defining the purposes of the tax under Subsection (5)(a)(iii) that constitutes disproportionate costs and what amounts are reasonably related to the costs of the municipal services provided by the municipality."

**DISPROPORTIONATE REGULATORY SERVICES** Perry City does not currently conduct disproportionate business inspections. Therefore, there are no disproportionate regulatory services costs.

**DISPROPORTIONATE CALLS FOR SERVICE** Calls for service were obtained from the Police, Fire and EMS departments for December 1<sup>st</sup>, 2007 – November 30<sup>th</sup>, 2008. The call database was analyzed to determine the base number of calls per business as compared to residential units. It was found that the average number of calls per business exceeded the average number of police, fire and EMS calls per residence. Therefore, it was determined that businesses as a "class" require a higher level of police services and have disproportionate calls for service when compared to residential calls for service. The average calls per residence was applied as the base figure for determining what constituted a disproportionate number of calls for service and further distinctions were then drawn between "types" of businesses within the overall business "class."

The annual average call per resident for police calls was determined to be an average of 1.2354 calls per year. This was calculated by dividing the 1,750 calls from single family residences by the total number of households. The number of calls from single family residences was calculated by the Perry Police Department. The base for fire calls was determined to be an average of 0.0099 calls per year. This was calculated by dividing the 14 calls from single family residences by the total number of households. The number of calls from single family residences was calculated by the Brigham City Fire Department. The base for EMS calls was determined to be an average of 0.0155 calls per year. This was calculated by dividing the 22 calls from single family residences by the total number of households. The number of calls from single family residences was calculated by the Perry Police Department. Table 1.13 shows the calculations.

**Table 1.13**

<b>BASE LEVEL OF SERVICE CALLS</b>			
	<b>Police</b>	<b>Fire</b>	<b>EMS</b>
Annual Service Calls from Single Family Residents	1,750	14	22
Number of Single Family Residents	1,417	1,417	1,417
<b>Base Number of Calls Per Single Family Resident</b>	<b>1.235</b>	<b>0.0099</b>	<b>0.0155</b>

**Commercial Cost Summary**

For businesses, the calls for service was determined by matching the location of each service call to a list of business addresses. For each business group, a subtotal for calls was calculated. This subtotal was then divided by the total number of businesses within the group, resulting in an annual average number of calls for service per business for each business group.



The average number of calls for service for each group was then compared to the previously calculated annual average call per residence. If a business group had a higher average number of calls than the base (average call per residence), the difference was multiplied by the average cost of a service call as estimated by Perry City. This calculation resulted in the average disproportionate service cost per business for the businesses within each grouping. The following table summarizes the disproportionate costs for the business groups identified for Perry City. The fees shown represent the maximum disproportionate fees that can be supported by the data. The City may choose not to enact the full fee in some business categories, as a matter of policy, in order to encourage the development of certain business classes. Note that fees for all businesses within a given business class must be constant.

The following table summarizes the disproportionate service calls for each business class in Perry City.

**Table 1.14**

SUMMARY OF DISPROPORTIONATE SERVICE CALLS FOR COMMERCIAL BUSINESSES			
Business Description	Police Disproportionate	Fire Disproportionate	EMS Disproportionate
Automotive	(0.7354)	(0.0099)	(0.0155)
Big Box	276.83	2.9901	.9845
Construction	0.7646	(0.0099)	(0.0155)
Gas Station/Convenience Store	4.7646	0.9901	(0.0155)
Large Scale Construction	10.765	(0.0099)	(0.0155)
Live Performance	.7646	(0.0099)	(0.0155)
Movie Theatres	44.765	(0.0099)	(0.0155)
Personal Services	5.7646	(0.0099)	(0.0155)
Professional/Business Services	(0.9497)	(0.0099)	(0.0155)
Public Lodging	(0.7892)	(0.0099)	(0.0155)
Rentals Units (Apartments)	(0.7424)	(0.0099)	(0.0155)
Restaurants	14.265	.2401	(0.0155)
Food Sales	1.9646	(0.0099)	(0.0155)
Storage Units	16.765	(0.0099)	(0.0155)
Truck Stop	114.76	.9901	(0.0155)

The following table shows the maximum fee that may be charged per business for disproportionate police, fire and EMS services.

**Table 1.15**

DISPROPORTIONATE SERVICE COSTS PER COMMERCIAL BUSINESS			
	Police Cost Per Call \$216	Fire Cost Per Call \$955	EMS Cost Per Call \$906
Business Description	Police Disproportionate	Fire Disproportionate	EMS Disproportionate



<b>DISPROPORTIONATE SERVICE COSTS PER COMMERCIAL BUSINESS</b>			
	<b>Police Cost Per Call \$216</b>	<b>Fire Cost Per Call \$955</b>	<b>EMS Cost Per Call \$906</b>
<b>Business Description</b>	<b>Police Disproportionate</b>	<b>Fire Disproportionate</b>	<b>EMS Disproportionate</b>
Automotive	\$0.00	\$0.00	\$0.00
Big Box	\$59,795	\$2,855	\$892
Construction	\$165	\$0.00	\$0.00
Gas Station/Convenience Store	\$1,029	\$945	\$0.00
Large Scale Construction	\$2,325	\$0.00	\$0.00
Live Performance	\$165	\$0.00	\$0.00
Movie Theatres	\$9,669	\$0.00	\$0.00
Personal Services	\$1,245	\$0.00	\$0.00
Professional/Business Services	\$0.00	\$0.00	\$0.00
Public Lodging	\$0.00	\$0.00	\$0.00
Rentals Units (Apartments)	\$0.00	\$0.00	\$0.00
Restaurants	\$3,081	\$229	\$0.00
Food Sales	\$424	\$0.00	\$0.00
Storage Units	\$3,621	\$0.00	\$0.00
Truck Stop	\$24,789	\$945	\$0.00

Table 1.16 shows the maximum disproportionated revenues per business class if the maximum fees allowable by law were enacted.

**Table 1.16**

<b>MAXIMUM DISPROPORTIONATE REVENUES PER BUSINESS CLASS COMMERCIAL BUSINESSES</b>					
<b>Business Description</b>	<b># of Businesses</b>	<b>Police Disproportionate</b>	<b>Fire Disproportionate</b>	<b>EMS Disproportionate</b>	<b>Total</b>
Automotive	4	\$0.00	\$0.00	\$0.00	\$0.00
Big Box	1	\$59,798	\$2,855	\$892	\$63,545
Construction	2	\$330	\$0.00	\$0.00	\$330
Gas Station/Convenience Store	1	\$1,029	\$945	\$0.00	\$1,974
Large Scale Construction	1	\$2,325	\$0.00	\$0.00	\$2,325
Live Performance	1	\$165	\$0.00	\$0.00	\$165
Movie Theatres	1	\$9,669	\$0.00	\$0.00	\$9,669
Personal Services	1	\$1,245	\$0.00	\$0.00	\$1,245
Professional/Business Services	7	\$0.00	\$0.00	\$0.00	\$0.00
Public Lodging	2	\$0.00	\$0.00	\$0.00	\$0.00
Rentals Units (Apartments)	20	\$0.00	\$0.00	\$0.00	\$0.00
Restaurants	4	\$12,324	\$229	\$0.00	\$12,553
Food Sales	5	\$2,120	\$0.00	\$0.00	\$2,120



**MAXIMUM DISPROPORTIONATE REVENUES PER BUSINESS CLASS  
COMMERCIAL BUSINESSES**

Business Description	# of Businesses	Police Disproportionate	Fire Disproportionate	EMS Disproportionate	Total
Storage Units	1	\$3,621	\$0.00	\$0.00	\$3,621
Truck Stop	1	\$24,789	\$945	\$0.00	\$25,734

Within a business class, there are sometimes a few businesses with a significantly higher number of service calls than the majority of business establishments in that particular business class. These businesses excessively skew the average disproportionate cost per business and are referred to as statistical outliers. When calculating the business license fee, it is recommended the City consider setting the disproportionate (service calls) fee to be on par with disproportionate costs per business without the statistical outliers.

Perry City has one statistical outlier in the restaurant business class. The cost comparisons are listed in table 1.17.

**Table 1.17**

**DISPROPORTIONATE (CALLS FOR SERVICE) FEE CALCULATIONS**

Business Class	Real Cost	Cost without Statistical Outliers	Rationale
Restaurants	Police - \$3,071 Fire - \$229	Police -\$810 Fire - \$0.00	There are four businesses in this class. However, the high disproportionate service cost is being driven by only one business. If that business is removed, the disproportionate police and fire cost is significantly reduced. The City should review these calls annually.

The following table compares current business license fees with business license renewal and disproportionate costs.

**Table 1.18**

**BUSINESS LICENSE FEE COMPARISONS  
FOR BUSINESS LICENSE RENEWALS**

Business Category	Current Fee (Not including beer or tobacco licenses)	Maximum Allowable Fee Per Business (Excluding Outliers Not including beer or tobacco licenses)
Automotive	\$30	\$34



<b>BUSINESS LICENSE FEE COMPARISONS FOR BUSINESS LICENSE RENEWALS</b>		
<b>Business Category</b>	<b>Current Fee (Not including beer or tobacco licenses)</b>	<b>Maximum Allowable Fee Per Business (Excluding Outliers Not including beer or tobacco licenses)</b>
Big Box	\$30	\$63,579
Construction	\$30	\$199
Gas Station/Convenience Store	\$30	\$2,008
Food Sales	\$30	\$458
Large Scale Construction	\$30	\$2,359
Live Performance	\$30	\$199
Movie Theatres	\$30	\$9,703
Personal Services	\$30	\$1,279
Professional/Business Services	\$30	\$34
Public Lodging	\$30	\$34
Rentals Units (Apartments)	\$30	\$41
Restaurants	\$30	\$844
Storage Units	\$30	\$3,655
Solicitors	\$100	\$38
Temporary	\$30	\$34
Truck Stop	\$30	\$25,768

The following table compares current business license fees with business license new application and disproportionate costs.

**Table 1.19**

<b>BUSINESS LICENSE FEE COMPARISONS FOR BUSINESS LICENSE NEW APPLICATIONS</b>		
<b>Business Category</b>	<b>Current Fee (Not including beer or tobacco licenses)</b>	<b>Maximum Allowable Fee Per Business (Excluding Outliers Not including beer or tobacco licenses)</b>
Automotive	\$30	\$61
Big Box	\$30	\$63,725
Construction	\$30	\$226
Gas Station/Convenience Store	\$30	\$2,035
Food Sales	\$30	\$485
Large Scale Construction	\$30	\$2,386
Live Performance	\$30	\$226
Movie Theatres	\$30	\$9,730



<b>BUSINESS LICENSE FEE COMPARISONS FOR BUSINESS LICENSE NEW APPLICATIONS</b>		
<b>Business Category</b>	<b>Current Fee (Not including beer or tobacco licenses)</b>	<b>Maximum Allowable Fee Per Business (Excluding Outliers Not including beer or tobacco licenses)</b>
Personal Services	\$30	\$1,306
Professional/Business Services	\$30	\$61
Public Lodging	\$30	\$61
Rentals Units (Apartments)	\$30	\$41
Restaurants	\$30	\$871
Storage Units	\$30	\$3,682
Solicitors	\$100	\$38
Temporary	\$30	\$61
Truck Stop	\$30	\$25,795

**ENHANCED SERVICE LEVELS**

Enhanced service levels reflect a higher level of service that is *desired* by a specific portion of the business community (whether it is a business class, business location, etc.). In comparison, disproportionate service levels reflect higher levels of services that are *required* by a distinct portion of the business community. Examples of enhanced service levels include more landscaping, hanging baskets, more or higher quality signage, increased police patrols (a visible police presence), more frequent snow removal, etc. Generally, these types of services are increased in a particular geographic location of town, such as downtown, or the town center of a resort community but they may also be specific to a particular type of business activity, the number of employees in a company, etc.

Perry City currently does not have any geographic areas or business classes for which the City provides enhanced service levels.

**PER EMPLOYEE CHARGE**

Perry City has decided not to charge disproportionate fees based on the number of employees per business and therefore a per employee charge analysis is not included in this report.

**RELIANCE ON CITY DATA**

LYRB, Inc. has relied on information provided by city staff, including time estimates for tasks performed as part of the business license process and the costs associated with providing city services. LYRB, Inc. assumes no responsibility for the accuracy of information provided by Perry City.

**APPENDIX A**  
**COMMERCIAL BUSINESS CLASSES**

<b>BUSINESS CLASS</b>	<b>BUSINESS TYPE</b>
<b>AUTOMOTIVE</b>	Automotive Repair
	Automotive Sales
<b>BIG BOX</b>	Big Box
<b>CONSTRUCTION</b>	Small Scale Construction
<b>GAS STATION/CONV. STORE</b>	Gas Station/Convenience Store
<b>LARGE SCALE CONSTRUCTION</b>	Large Scale Construction
<b>LIVE PERFORMANCE</b>	Live Stage Theatre
<b>MOVIE THEATRE</b>	Movie Theatre
<b>PERSONAL SERVICES</b>	Instructional Services
<b>PROFESSIONAL/BUSINESS SERVICES</b>	Dental
	Real Estate
	Salon
	Veterinarian
	Small Retail Sales
	Business Service Providers
<b>PUBLIC LODGING</b>	Hotel/Motel
	Camping
<b>RENTALS</b>	Apartments
	Duplex
	Four-Plex
	Tri-Plex
	Accessory Unit
	Single Family Rental
<b>RESTAURANTS</b>	Restaurant
<b>FOOD SALES</b>	Fruit Stand
<b>STORAGE UNITS</b>	Storage Units
<b>TRUCK STOP</b>	Truck Stop



LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

PERRY CITY  
BUSINESS LICENSE FEE ANALYSIS  
JANUARY 2009

# Resolution 15-19

## Adopting and Approving the Perry City Corporation Pre-Disaster Mitigation Plan

**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; and

**WHEREAS**, that in order to provide for safety, preserve health, and promote prosperity, peace, and good order Perry City desires to establish a Pre-Disaster Mitigation Plan; and

**WHEREAS**, the City Council has reviewed the Pre-Disaster Mitigation Plan,

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

**Section 1.** Perry City Corporation hereby adopts the Pre-Disaster Mitigation Plan as attached hereto and marked Exhibit “A”.

**Section 2.** **Effective Date and Implementation of This Resolution.** This Resolution shall become effective immediately upon its passage. The Mayor and Council are authorized to further implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this \_\_\_\_ day of November, 2015.

### PERRY CITY

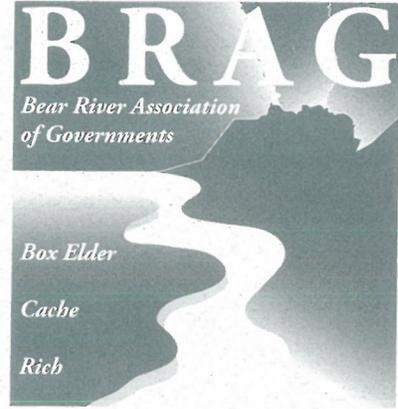
BY \_\_\_\_\_  
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

\_\_\_\_\_  
City Recorder

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



August 28, 2015

Mr. Sam Hiener  
Perry City  
1716 East 5600 South  
South Ogden, UT 84403

**EXECUTIVE DIRECTOR**  
Roger C. Jones

**GOVERNING BOARD**  
Chair  
Val K. Potter  
*County Council Member*

**BOX ELDER COUNTY**  
Roger Fridal  
*Mayor of Tremonton*  
Jeff Hadfield  
*County Commissioner*  
Jeff Scott  
*County Commissioner*  
Stan Summers, Vice Chair  
*County Commissioner*  
Tyler Vincent  
*Mayor of Brigham City*

**CACHE COUNTY**  
Craig Buttars  
*County Executive*  
Craig Petersen  
*Mayor of Logan*  
Darrell Simmons  
*Mayor of Smithfield*  
Cordell (Cory) Yeates  
*County Council Member*

**RICH COUNTY**  
William Cox  
*County Commissioner*  
John Spuhler  
*Mayor of Garden City*  
Norman A. Weston  
*County Commissioner*  
Sineon (Sim) Weston  
*Mayor of Laketown*  
Thomas J. Weston  
*County Commissioner*

Dear Mr. Hiener,

**GOOD NEWS!** The 2015 "Pre-Disaster Mitigation Plan: Bear River Region, Utah," has been approved by the Federal Emergency Management Agency (FEMA). ***This means the plan is now ready for adoption by each municipality and county in Box Elder, Cache, and Rich Counties!***

As you may know, over the past year, Bear River Association of Governments (BRAG) worked closely with local jurisdictions, interested organizations, and other stakeholders to update the plan. Now that the plan is complete and approved by FEMA, cities, towns, and counties can adopt it by formal resolution. *While jurisdictions are not mandated by law to adopt the plan, not doing so will forfeit eligibility for certain federal pre- and post-natural disaster funding.*

The plan identifies natural hazard areas, estimates potential losses to life and property, and documents potential hazard mitigation projects for each jurisdiction. If implemented, mitigation projects could save lives and prevent damage to infrastructure and property.

**If you are with a CITY, TOWN, OR COUNTY, please have your local governing body adopt the plan by formal resolution, and have the Chief Elected Official of your jurisdiction sign the enclosed promulgation form (or create and sign a similar form) by November 30, 2015.** Please send signed forms back to BRAG, Attention: Zac Covington, 170 N. Main, Logan, Utah 84321, or scan and e-mail the form to me at [zacc@brag.utah.gov](mailto:zacc@brag.utah.gov). A CD of the plan is also enclosed for local jurisdictions, or you can download it from the BRAG website at [www.brag.utah.gov](http://www.brag.utah.gov). If you have any questions, please call me at (435) 713-1423.

Thank you!

Sincerely,  
  
Zac Covington  
Sr. Regional Planner

encl

(LOCAL COMMUNITY)

Utah

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF (LOCAL COMMUNITY) ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN:  
BEAR RIVER REGION

WHEREAS (local governing body) recognizes the threat that natural hazards pose to people and property within (local community); and

WHEREAS (local community) has participated in the creation of a multi-hazard mitigation plan, hereby known as the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in (local community) from the impacts of future hazards and disasters; and

WHEREAS adoption by (local governing body) demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

NOW THEREFORE, BE IT RESOLVED BY (LOCAL COMMUNITY), Utah, THAT:

In accordance with (local rule for adopting resolutions), (local governing body) adopts the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

This resolution shall be effective on the date it is adopted.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015/2016.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Jurisdiction Name

ATTEST

\_\_\_\_\_

\_\_\_\_\_  
Name/Title

# Resolution 15-20

## Adopting and Approving the Perry City Council Meeting Schedule and Notice to Be Given

**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; and

**WHEREAS**, that in order to provide for safety, preserve health, and promote prosperity, peace, and good order Perry City gives notice of the City Council Meetings for the year 2016 as required by Utah Code Ann. 52-4-202; and

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

**Section 1.** Perry City Corporation and the Perry City Council hereby adopts the Perry City Council schedule as attached hereto and marked Exhibit “A”. That Notice shall be given in accordance with Perry City Ordinances and Utah State Law.

**Section 2. Effective Date and Implementation of This Resolution.** This Resolution shall become effective immediately upon its passage. The Mayor and Council are authorized to further implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this \_\_\_\_ day of November, 2015.

### PERRY CITY

BY \_\_\_\_\_  
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

\_\_\_\_\_  
City Recorder

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

## **PERRY CITY 2016 MEETING SCHEDULE**

### **2016 CITY COUNCIL MEETINGS (7:00 P.M.)**

January 14 and 28	July 14 and 28
February 11 and 25	August 11 and 25
March 10 and 24	September 8 and 22
April 14 and 28	October 13 and 27
May 12 and 26	November 10
June 9 and 23	December 8

**Meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month. There will only be one meeting held in November and December.**

### **2016 PLANNING COMMISSION MEETING SCHEDULE (7:00 P.M.)**

January 7	July 7
February 4	August 4
March 3	September 1
April 7	October 6
May 5	November 3
June 2	December 1

**Meetings will be held the 1<sup>st</sup> Thursday of the month.**

### **SPECIAL USES AND APPEALS BOARD MEETING (6:00 P.M.)**

Tuesday, April 12, 2016

Check the Box Elder News Journal, the Public Meeting Website ([Utah.gov/pmn](http://Utah.gov/pmn)), Perry City Website, or the City Office for specific start times. Meeting dates and times are subject to change.

# **Resolution 15-21**

## **Approving Award Passes to the Perry City Three Mile Creek Shooting Sports Complex**

**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; and

**WHEREAS**, Perry City is the owner of the Three Mile Creek Shooting Sports Complex; and

**WHEREAS**, the City Council desires that certain persons who contribute time, money, or in kind donations to the Three Mile Creek Shooting Sports Complex should receive lifetime memberships to the Three Mile Creek Shooting Sports Complex; and

**WHEREAS**, the City Council desires to set policies regarding awarding lifetime memberships and usage of lifetime memberships;

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

### **Section 1. Types of Passes that can be Awarded to the Three Mile Creek Shooting Sports Complex.**

#### **1. Perry City Donated Season Pass and/or Daily Pass**

Occasionally for purposes of supporting community activities, donating items to community-based charitable auctions, or as a public relations opportunity to promote the Three Mile Creek Shooting Sports Complex, Perry City may want to make a donation of individual day passes or a season passes to the Three Mile Creek Shoot Sports Complex (TMCSSC). When this happens the donation:

- A. Must be approved by the Mayor and the City Administrator or the Chief Range Safety Officer.

#### **2. Lifetime Pass**

In recognition for individuals or entities that make a substantial contribution to the TMCSSC, Perry City may recognize the contribution with a Lifetime Pass to the TMCSSC to be utilized during any public shooting hours the Range Safety Officers are on duty. The Lifetime Pass is non-transferrable and is valid only as long as the TMCSSC remains open and in operation. The Lifetime Pass certificate or official pocket size copy of the certificate must be presented at the time of desired use of the TMCSSC. A business receiving a Lifetime Pass may allow up to 5

employees to utilize the Lifetime Pass at one time. Approval of volunteer time, material, in-kind services, or other donations shall be awarded based on the information listed and tracked on the signed Perry City TMCSSC Donation form. (See accompanying Donation Form.) The Lifetime Pass will be based on:

- A. At least 500 hours of pre- approved volunteer time and labor at the TMCSSC
- B. At least \$2500 of pre-approved material, in-kind services, or other donation.
- C. Being a Perry City Elected Official or the spouse of a Perry City Elected Official during the years the TMCSSC is in operation.
- D. A person or entity that has made a substantial positive impact regarding the TMCSSC as recommended by the Mayor and the Chief Range Safety Officer and/or the City Administrator, and approved by the city council.

### **3. Honorary Range Safety Officer Lifetime Pass**

In recognition for individuals or entities that make an extraordinary contribution to the gun range, have a current Perry City RSO certificate, and will follow all Perry City TMCSSC policies and procedures, Perry City may award a Honorary RSO Lifetime Pass to the Three Mile Creek Shooting Sports Complex which can be utilized at any time the TMCSSC is available for RSO benefit time for shooting, i.e.it has not been closed for the season, for maintenance, for law enforcement training, or any other City initiated closure. The recipient must maintain his/her RSO certification in order for Pass to be valid and honored, although it is not required that the recipient volunteer as an RSO. The Honorary RSO Lifetime Pass is non-transferrable and is valid only as long as the TMCSSC remains in open and in operation. The Honorary RSO Lifetime Pass certificate or pocket size official copy must be on the person when shooting at the TMCSSC. Approval of volunteer time, material, in-kind services, or other donations shall be awarded based on the information listed and tracked on the signed Perry City TMCSSC Donation form. The Honorary RSO Lifetime Pass will be based on:

- A. At least \$20,000 of pre-approved material, labor, in-kind services, or other donation as valued on the TMCSSC Donation Form.
- B. Donation of over 250 hours as a Range Safety Officer which can be cumulated over a timeframe of up to ten years.
- C. A person or entity that has made an extraordinary positive impact regarding the TMCSSC as recommended by the Mayor and the Chief Range Safety Officer and/or the City Administrator, and approved by the city council.

**Procedure for Award of Passes.** Based on meeting the criteria for each respective Award Pass, the donated Season or Individual Passes can be presented by the Mayor or City Administrator, and the Lifetime Passes and Honorary Range Safety Officer Passes shall be awarded during a regular Perry City Council Meeting.

**Section 2. Effective Date and Implementation of This Resolution.** This Resolution shall become effective immediately upon its passage. The Mayor and Council are authorized to further implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this \_\_\_\_ day of October, 2015.

**PERRY CITY**

BY \_\_\_\_\_  
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

\_\_\_\_\_  
City Recorder

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

## **Resolution 15-22**

### **Adopting and Approving the Perry City Corporation Fire Inspection Requirements**

**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; and

**WHEREAS**, that in order to provide for safety, preserve health, and promote prosperity, peace, and good order Perry City desires to establish fire inspection requirements for Perry city business licenses both new and renewals; and

**WHEREAS**, the City Council has reviewed the fire inspection requirements for business licenses,

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

**Section 1.** All new Perry City business license application must have a fire inspection completed.

**Section 2.** All renewals of Perry City business licenses that have visiting clientele will, at the request of the city, be required to provide a fire inspection report within 90 days of the city’s request.

**Section 3.** It will be the responsibility of the business owner to provide the initial report from fire marshal within 90 days of initial request from city and any needed follow-up reports up to the successful fire inspection report to the city. Failure to produce a successful inspection may result in a civil penalty of \$50 each day and may result in the revocation of the business license. There is no cost to the business owner for the fire inspection, this is a provided service by Perry City through a contract with Brigham City.

**Section 2.** **Effective Date and Implementation of This Resolution.** This Resolution shall become effective immediately upon its passage. The Mayor and Council are authorized to further implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of Perry City, Utah, this \_\_\_\_ day of November, 2015.

**PERRY CITY**

BY \_\_\_\_\_  
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

\_\_\_\_\_  
City Recorder

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

1 PERRY CITY COUNCIL MEETING  
2 PERRY CITY OFFICES  
3 October 1, 2015

7:00 PM

4  
5 OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting.  
6 Esther Montgomery, Todd Christensen, Peter Gerlach (arrived  
7 at 7:03pm), Jana Nelson, Brady Lewis

8  
9 CITY STAFF PRESENT: Greg Westfall, City Administrator  
10 Shanna Johnson, Chief Deputy Recorder  
11 Greg Braegger, Public Works Director  
12 Malone Molgard, City Attorney  
13 Scott Hancey, Police Sergeant  
14

15 OTHERS PRESENT: Adam Mosser, Carter Simpson, Steven Pettingill, Eric Halter, Glen  
16 Vernon, Devin Miles, Alyssa Braegger, Lani Braithwaite, Vicki Call, James Keller, Benjamin  
17 Keller, Caleb Barton

18 **ITEM 1: CALL TO ORDER**

19 Mayor Cronin called the meeting to order.

20 **A. INVOCATION**

21 Council Member Christensen offered the invocation.

22 **B. PLEDGE OF ALLEGIANCE**

23 Greg Westfall led the audience in the Pledge of Allegiance.

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

25 **MOTION:** Council Member Lewis made a motion to approve the agenda. Council Member  
26 Nelson seconded the motion.

27 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
28 Council Member Montgomery, Yes                      Council Member Lewis, Yes  
29 **Motion Approved.** 4 Yes, 0 No.  
30

31 **ITEM 2: PROCEDURAL ISSUES**

32 **A. CONFLICT OF INTEREST DECLARATION**

33 None.  
34

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

36 Shanna Johnson passed out the warrants.  
37

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

39 **Approx. 7:09 PM**

- 40
  - Katie Russell Daycare

1 Katie Russell advised that she plans to provide daycare services to 6 children and 7  
2 starting in December. She said that she has a successfully passed the Fire and Health  
3 Department inspections. She said her hours will be from 5:30am to 5:30pm. Mayor  
4 Cronin stated that this has been through Planning Commission and they have  
5 recommended approval. There was a public hearing during the Planning Commission  
6 meeting and neighbors came and spoke in support of the business.  
7

8 **MOTION:** Council Member Lewis made a motion to approve the business license for Katie  
9 Russell Daycare. Council Member Montgomery seconded the motion.

10 **Approx. 7:03 PM** (Council Member Gerlach arrived)

11 **ROLL CALL:** Council Member Christensen, Yes Council Member Nelson, Yes  
12 Council Member Montgomery, Yes Council Member Lewis, Yes  
13 Council Member Gerlach, Yes

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

15  
16 • OCD Cleaning  
17 Mayor Cronin advised that this is a home business with no visiting clientele. Shanna  
18 Johnson said she talked with the business owner and they do not plan to store any large  
19 equipment or chemicals at their home.  
20

21 **MOTION:** Council Member Christensen made a motion to approve the business license for  
22 OCD Cleaning Services. Council Member Montgomery seconded the motion.

23 **ROLL CALL:** Council Member Christensen, Yes Council Member Nelson, Yes  
24 Council Member Montgomery, Yes Council Member Lewis, Yes  
25 Council Member Gerlach, Yes

26 **Motion Approved.** 5 Yes, 0 No.  
27

28 **Approx. 7:05 PM**

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

30 **A. PUBLIC COMMENTS**

31 None.  
32

33 Mayor Cronin recognized the Boy Scouts in attendance.  
34

35 **Approx. 7:10 PM**

36 **ITEM 4: ACTION ITEMS**

37 **A. APPROVAL OF THE WARRANTS**

38 Mayor Cronin asked for additional detail regarding the payment to Utah Local  
39 Governments Trust. Shanna advised that this payment includes the City’s annual liability  
40 insurance as well a quarterly charge for worker’s compensation insurance. She said that  
41 this is the highest bill that the City will see from ULGT this during this fiscal year. She said  
42 that this includes liability insurance for auto and property. Council Member Lewis asked if  
43 this is paid once a year. Shanna said that the liability insurance is but the workers  
44 compensation is paid quarterly as she recalls. Council Member Lewis said he wanted to

1 verify that this was included in the budget. Shanna said yes, this is in the Administration  
2 budget under the line item titled insurance.

3  
4 **MOTION:** Council Member Montgomery made a motion to approve the warrants. Council  
5 Member Lewis seconded the motion.

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

10  
11 **B. APPOINTMENTS CITY BOARDS**

12 Mayor Cronin put forth the names of Devin Miles and Craig Picket as alternate Planning  
13 Commissioners. She said that both have attended Planning Commission so they are fully  
14 aware of the requirements of the position. Council Member Montgomery asked if either of  
15 the recommended appointees were in attendance. The Mayor advised that Devin was in  
16 attendance and turned some time over to him to provide some information regarding his  
17 background. Devin stated that he currently works for Grainger Supplies as a sales man; he  
18 said that his father was a contractor and he grew up assisting him in his work. He said that  
19 he would like the opportunity to help with the Planning of our community as it grows.  
20 Council Member Lewis asked how long Devin had lived in the City. Devon replied since  
21 2004. Mayor Cronin said that Craig Pickett had business in Boise Idaho and was unable to  
22 make it to the meeting.

23 **MOTION:** Council Member Montgomery made a motion to approve the appointment of  
24 Devin Miles and Craig Picket as Alternate Planning Commission Members. Council Member  
25 Gerlach seconded the motion.

26 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
27                      Council Member Montgomery, Yes                      Council Member Lewis, Yes  
28                      Council Member Gerlach, Yes  
29                      **Motion Approved.** 5 Yes, 0 No.

30  
31 Mayor Cronin explained that we now have some names to put forth to serve on the Joint  
32 Advisory Board. She said that we have not used this Board in a few years but its purpose is  
33 to provide input and advice regarding business development along the 1100 South  
34 Corridor. She said that Perry provides 3 representatives and Brigham City provides 3  
35 representatives. She said that they meet on an as needed basis and Brigham City has  
36 requested a meeting on October 13, 2015. Mayor Cronin presented the appointments of  
37 Vicki Call who is the current Planning Commission Chair, Blake Ostler who is the Planning  
38 Commission Vice Chair, and Travis Coburn who serves as a Planning Commissioner. She  
39 said that she has talked with all 3 members and they are all willing and excited to serve.

40  
41 **MOTION:** Council Member Lewis made a motion to approve the appointments of Vicki Call,  
42 Black Ostler, and Travis Coburn to the Joint Advisory Board. Council Member Montgomery  
43 seconded the motion.

44 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
45                      Council Member Montgomery, Yes                      Council Member Lewis, Yes

Council Member Gerlach, Yes  
**Motion Approved.** 5 Yes, 0 No.

**C. RESOLUTION 15-17 TO APPROVE A SANITARY SEWER MANAGEMENT PLAN**

Greg Braegger presented the Sanitary Sewer Management Plan to the City Council. He said that this is similar to the Storm Water Management Plan that the city has. He said that this is the very first time the City had put this type of plan together for the Sewer. He said the packet details out different maintenance functions required for the Sewer such as cleaning of lines that has to be completed every 3 years. He said that City has contracted with Propipe to complete the cleaning and videoing of the lines. He said that the City has records and video of all the lines to identify where there are cracks or maintenance issues with the lines in order to correct the issues. He said that this is a permit and management plan that keeps the City in compliance with the State requirements. Council Member Christensen asked any maintenance issues have been found by Propipe during the cleaning of the lines. Greg said there are issues that were found and are being addressed currently. Council Member Christensen asked if Propipe is using measurements to pinpoint where the patches or maintenance are needed. Greg said yes. He repeated that this management plan will help us to stay in compliance. Council Member Gerlach asked if this new requirement is due to the City being part of the Wasatch Front Regional Council. Greg said that it is due to new State regulations. He said that this will reduce liability. Council Member Lewis asked if Jones and Associates prepared the document. Greg said Jones and Associates prepared the plan with his input. Greg advised that Jay Bywater has been assigned as the Sewer Superintendent under the direction of Greg Westfall and himself and Jay will be responsible for the inspection of sewer manholes. Greg also noted the City has a GIS system that will map out the location of sewer lines and manholes. Council Member Christensen stated that in the past the City had a lot of infiltration of water in the sewer lines and asked if these leaks have been fixed. Greg Braegger said he is not sure. Greg Westfall advised that when he talked with Paul Nelson about the infiltration issues Paul told him the City has fixed a significant amount of the infiltration but the City does still have some infiltration. He said that issues will continue to be resolved as lines are inspected and cleaned. Council Member Montgomery asked if this is an update from a previous plan. Greg Braegger stated that this is new plan. Council Member Montgomery asked how often the plan will be required to updated. Greg Braegger explained that the plan will need to be updated every 5 years. Mayor Cronin thanked Greg Braegger for all his work on the Sewer Management Plan.

**MOTION:** Council Member Montgomery made a motion to approve Resolution 15-17 to approve a Sanitary Sewer Management Plan. Council Member Nelson seconded the motion.

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

**D. APPROVAL OF A BID PROCESS FOR A REGIONAL DETENTION POND PROJECT TO BE PAID FOR BY IMPACT FEES**

Mayor Cronin advised that in the last meeting we discussed a plan to take multiple detention basins and combine them into one regional basin. Because of the size of the

1 project it required the need to go out to bid for a contractor to complete the work. When  
2 the land owner was informed of the bid requirement, they decided they no longer wanted  
3 to participate in the project therefore this item no longer needs to be addressed. Council  
4 Member Christensen inquired as to why the land owner was no longer interested. Mayor  
5 Cronin advised that the bid process takes time and would delay their development.

6 **E. UPCOMING CITY COUNCIL MEETING DATES**

7 Mayor Cronin advised of some possible conflicts with the next few upcoming meeting  
8 dates. She stated that the November City Council meeting is scheduled for November 5<sup>th</sup>  
9 and traditionally there is only one meeting held in November. She said that the city will  
10 need to canvass the election results and the City can only do this between the 10<sup>th</sup> and the  
11 17<sup>th</sup> of the month. She advised the City has the option to schedule a second meeting in the  
12 month within the allowed time period to canvass the votes or the City Council scheduled  
13 for November 5<sup>th</sup> can be moved to a date that meets the canvass requirement.

14  
15 Mayor Cronin stated that the second meeting of October is scheduled for October 15<sup>th</sup>  
16 which is during the fall break for the schools in our area. She said that the Council could  
17 move this meeting to another day in the month, cancel the meeting, or leave the meeting as  
18 scheduled. Council Member Lewis, Council Member Christensen, and Council Member  
19 Nelson were not available to meet October 15<sup>th</sup>. Council Member Christensen said he could  
20 meet on October 29<sup>th</sup>. Council Member Montgomery said that October 22<sup>nd</sup> worked better  
21 for her. This conflicted with Council Member Christensen’s schedule. Council Member  
22 Montgomery suggested having 2 meetings in November and only 1 in October.

23  
24 Council Member Christensen made the suggestion of combining the 2<sup>nd</sup> meeting of October  
25 with the November meeting. Council Member Lewis suggested holding the meeting  
26 November 12<sup>th</sup>. Mayor Cronin suggested November 11<sup>th</sup> as November 12<sup>th</sup> was the  
27 regularly scheduled Planning Commission meeting. Council Member Gerlach suggested  
28 switching meeting dates with Planning Commission, holding Planning Commission on  
29 November 5, 2015 and City Council Meeting November 12, 2015. Planning Commission  
30 Chairman Vicki Call was present and agreed to switch meeting dates with the City Council.

31  
32 **MOTION:** Council Member Christensen made a motion to cancel the October 15, 2015 City  
33 Council Meeting, and to reschedule the November 5<sup>th</sup> City Council meeting to November 12,  
34 2015. Council Member Lewis seconded the motion.

35 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
36                      Council Member Montgomery, Yes                      Council Member Lewis, Yes  
37                      Council Member Gerlach, Yes  
38                      **Motion Approved.** 5 Yes, 0 No.

39  
40 **ITEM 5: DISCUSSION**

41 **A. REPORT ON THE NRA BPCR UTAH STATE CHAMPIONSHIP MATCH**

42 Eric Halter provided a report on the NRA Black Powder Cartridge Rifle Utah State  
43 Championship match. He said that this event was a great success. He said this was the first  
44 NRA Utah State Championship match, which included an iron sight match and a scope  
45 match. There were 50 shooters that were from all over the western states. Among the  
46 shooters were National, State, and Regional Champions. He said there was representation

1 from the NRA Competition shooting division. This was a 3 day match and the City  
2 authorized dry camping at the Shooting Sports Complex as well as hosted a dinner for the  
3 competitors.

4 Eric stated that Mike Ventarino is a writer who was in attendance was so excited about the  
5 event that he wrote an article for Guns Magazine highlighting the competition and the  
6 Three Mile Creek Shooting Sports Complex. The article mentions that for the last two years  
7 2 Utah shooters Dale Weese and Eric Halter have been working to get the Three Mile Creek  
8 Shooting Sports Complex built with the help of others. Mr. Ventarino writes that what  
9 seems a miracle is that Perry City is 100% behind this project. He goes on to write that he  
10 and his spotter both stated attending the Utah State Championship will henceforth be on  
11 their list of competitions to travel to. They appreciated the great shooting, potluck dinner,  
12 and the range security that allowed shooters to leave their gear sitting out in their staging  
13 areas, attributable to the fact the Dale Weese is also the Chief of Police in Perry. Eric  
14 reported that the article also mentions the central location of the range, which is not more  
15 than a day's drive from anywhere in the Rocky Mountain West.

16 Eric reported that Damien Orsinger of the NRA and Woody Powell from the Utah State Rifle  
17 and Pistol Association were impressed with the event and expressed interest in future  
18 development of the range. He said the event was a great success. He said the unclassified  
19 shooters stole the show and all the competitive shooters want to come back. Eric thanked  
20 City Staff, particularly the public works team members, and the elected officials,  
21 particularly the Mayor, for their support and help in preparation during the event.  
22 Council Member Lewis asked if this event will take place next year. Eric said yes it is on the  
23 books.

24  
25 Mayor Cronin said that the City has a grant application that has been submitted for the  
26 build of a Clay Pigeon, Trap and Skeet Shooting venue. She said that she already has the tag  
27 line for this and hopes that Perry will be known as the 'Skeet and Eat' Capital of Utah. She  
28 said that she has had about dozen people state to her that they want to be the second in line  
29 to shoot skeet after herself. She said that Bob Barrett from the Bird Refuge is 100% behind  
30 the city in these efforts. Woody Powell and Damien Orsinger have both expressed their  
31 excitement about the venue and have committed to help through not only ideas, but also  
32 helping to bring forth some funding sources. Mayor Cronin thanked Eric Halter for his  
33 efforts (and many volunteer hours) to make the event a success.

34  
35 **B. LIFETIME PASSES TO THE THREE MILE CREEK SHOOTING SPORTS COMPLEX**

36 Mayor Cronin stated she received a suggestion to add elected officials as eligible individuals  
37 to receive a lifetime pass to the Three Mile Creek Shooting Sports Complex. She noted that  
38 currently a person needs to volunteer 500 hours at the gun range or make a monetary  
39 donation of \$2,500 in money, material or in kind service to be eligible to receive a lifetime  
40 pass. She said that this proposal would add elected officials to these criteria and if he  
41 Council Members were in agreement with this request the item could be brought back as an  
42 action item during the next City Council meeting. All Council Member were in support of  
43 this addition.

44  
45 **C. BUSINESS LICENSE FEE – MEDIUM SIZE RETAIL**

46 Mayor Cronin said when Tractor Supply came the City realized there was no Business  
47 License fee specifically for Medium Size Retail. She said the City had a Big Box fee of \$5,000

1 and a fee for restaurants, movie theaters, etc that was around \$125 but nothing for Medium  
2 Size Retail. The City had Lewis Young Robertson and Burningham do a Business License  
3 Fee study specifically for Medium Size Retail. Mayor Cronin said based on the number of  
4 public safety calls and service needed for this business the study showed the City could  
5 justify charging a fee up to \$7,080; that being said that was not the recommendation. She  
6 said because of the short time they had to gather data, they have suggested charging \$700  
7 to \$1200 and with that they suggested looking at this again in a year after more data could  
8 be gathered. Mayor Cronin said the City may also want to take into consideration what  
9 other Cities are charging for these types of business. She explained that Ogden charges  
10 Medium Size Retail \$328 plus \$7 per employee and we want to stay competitive. She said  
11 that as staff we have reviewed the study and have had some discussion on this. The staff  
12 recommendation is to set the fee in the range of \$250 to \$500. Council Member Lewis said  
13 he is not suggesting that we set the fee higher, but no business is going to change the  
14 location of their business due to a \$300 difference in application fee, because of this it does  
15 not scare him to go to the \$700 to \$1200 range. Council Member Christensen said we have  
16 used Lewis Young and Burningham many times including on our impact fees and although  
17 we have justified the costs, he suggested going with the \$250 to \$500 range and then  
18 reevaluate this in a year. Council Member Gerlach said he agreed with most of the  
19 comments made. Mayor Cronin stated that if she is hearing everyone correctly they are in  
20 support of a fee in the \$500 range. The Council agreed. Mayor Cronin said that this will be  
21 brought back for action in the next City Council Meeting.

22

23 **ITEM 6: MINUTES & COUNCIL MAYOR REPORTS (INCLUDING COUNCIL**  
24 **ASSIGNMENTS)**

25

26 **A. APPROVAL OF CONSENT ITEMS**

- 27 • August 6, 2015 City Council Meeting
- 28 • August 20, 2015 Board of Canvassers Meeting
- 29 • August 20, 2015 City Council Meeting
- 30 • September 3, 2015 City Council Meeting – Tabled

31

32 **MOTION:** Council Member Christensen made a motion to approve the meeting minutes for  
33 the August 6, 2015 City Council Meeting, August 20, 2015 Board of Canvassers Meeting, and  
34 the August 20, 2015 City Council Meeting. Council Member Gerlach seconded the motion.

35 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Abstain  
36                      Council Member Montgomery, Yes                      Council Member Lewis, Abstain  
37                      Council Member Gerlach, Yes

38 **Motion Approved.** 3 Yes, 2 Abstain.

39

40 **B. TODD CHRISTENSEN:** He asked for a report to be provided in the future regarding the  
41 results of the recycling program, including the current take rate, how many people have  
42 dropped off during the opt-out period, etc.

43

44 **C. PETER GERLACH:** Nothing reported.

1  
2 **D. JANA NELSON:** Nothing reported.

3  
4 **E. ESTHER MONTGOMERY:** reported that she attended the League of Cities and Towns  
5 conference in Salt Lake City this month. The conference provided a lot of information. The  
6 State is working really hard to prepare for growth that is anticipated over the next 20 years.  
7 She said it is phenomenal so brace yourselves.

8  
9 **F. BRADY LEWIS:** Nothing reported.

10  
11 **G. MAYOR CRONIN:** reported that the City has been contacted by White Cloud as they  
12 would like to put up their service tower to provide wireless internet services immediately  
13 (this would be located behind the City building). She said that the City has also been  
14 contacted by another service provider who would like to put up a tower for mobile devices  
15 and they do not want to share towers. The telecommunication service provider wants to  
16 locate their tower at the far south of the City property by the City office. She asked for the  
17 Council’s thoughts on putting up two towers. She said that the City would get rent from the  
18 mobile service provider, but would not from White Cloud. Council Member Lewis asked if  
19 the revenue could be discussed publicly. Mayor Cronin said there is not yet a signed  
20 contract but it would be somewhere around \$1,000 per month. Council Member Gerlach  
21 said that the city did have interest in White Cloud bringing wireless internet service to the  
22 community at one point but the City has not heard from them in two years. Council  
23 Member Nelson asked the size of the towers. Council Member Christensen estimated the  
24 tower would be 18 inches in diameter and 100 feet tall. Greg Westfall said the second tower  
25 would be the same size. Council Member Lewis asked where exactly the tower would be.  
26 Mayor Cronin said that it would go on the South East corner of the City’s property. Council  
27 Member Lewis asked how far the tethers would go out. Greg Westfall stated that the  
28 footprint is 20’ x 30’. Council Member Gerlach asked what the impact would be on  
29 surrounding homeowners. Mayor Cronin said that she lobbied pretty hard to look at the  
30 City property west of the freeway, but the providers are pretty set on placing the towers on  
31 the City property near the City office. Council Member Christensen said that electrical  
32 service is the problem west of I-15. Mayor Cronin asked if the Council would like to look  
33 into this more. Council Member Lewis stated because we do not have all of the variables  
34 yet he would like to look into this further. All other Council Members agreed. Mayor  
35 Cronin said they will keep working both angles and will bring this back to the Council once  
36 there is more information.

37  
38 Mayor Cronin reported that she also attended the Utah League of Cities and Towns  
39 Conference and they presented a Fire Assessment and Risk Management Plan. The State is  
40 offering to cities that want to participate, the ability to pay a nominal amount toward fire  
41 prevention and in exchange they would provide fire assistance when needed at no charge.

42  
43 Mayor Cronin advised that in a previous City Council meeting a public comment was made  
44 that there was an offer made to a City employee with a promise that the employee would get  
45 a \$2.00 per hour increase after a year of employment. She said that we do value our  
46 employees and want to ensure that we take care of them so she had City staff to investigate  
47 this. She said what was found in the offer letter given to the employee was a set amount  
48 with no mention or promise of an automatic increase. She said that Perry City gives raises

1 based on productivity (as noted on performance reviews) and on certifications. She said she  
2 wanted to note that the City does keep its commitments.

3  
4 **H. STAFF COMMENTS:** Greg Westfall reported that the he attended the League of City and  
5 Towns conference and the State Forester was present. He said that they are rolling out plans  
6 for a program that will help communities when they have fires. He said that the plan  
7 encourages cities to pay monies for fire prevention measures based on a study of square  
8 footage within the community. This can be in the form of brush removal, fire break lines,  
9 etc. He said that if we participate in the program and there is a large fire where the State  
10 comes in and helps with suppression there would be no cost to the City. He said these costs  
11 normally can reach hundreds of thousands of dollars. He said they are not asking us to write  
12 checks to the State, they are asking us to take this set amount of money and spend it on fire  
13 prevention in our community. He said that they are still working on the map and there is  
14 comment period. Greg said he will share further details once available. He said it sounds  
15 like a good program and encouraged the City to participate.

16  
17 **I. ITEMS FOR NEXT NEWSLETTER**

- 18 • None.

19  
20 **ITEM 7: EXECUTIVE SESSION**

21 **MOTION:** Council Member Christensen moved to close the Public Meeting and open an  
22 Executive Session to discuss potential litigation. Council Member Lewis seconded the  
23 motion.

24 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
25                      Council Member Montgomery, Yes                      Council Member Lewis, Yes  
26                      Council Member Gerlach, Yes  
27                      **Motion Approved.** 5 Yes, 0 No.

28  
29 The Regular Public meeting closed at approximately 8:24pm.

30  
31 **MOTION:** Council Member Christensen moved to close the Executive Session and return to  
32 the Public Meeting. Council Member Montgomery seconded the motion.

33 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
34                      Council Member Montgomery, Yes                      Council Member Lewis, Yes  
35                      Council Member Gerlach, Yes  
36                      **Motion Approved.** 5 Yes, 0 No.

37  
38 The Regular Public meeting reopened at approximately 8:36pm.

39  
40 Mayor Cronin said there was is a newsletter being sent out in the bills that may cause some  
41 commotion in the community. She said she felt it was time to respond to some concerns.  
42 She advised that she did not do this without first consulting with our City Attorney and  
43 Gary Crane. She noted that if any council member had concerns about the newsletter after  
44 reading it they could call and talk with her.

45  
46 **ITEM 8: ADJOURNMENT**

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

3

4 The meeting adjourned at 8:37pm.

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8 \_\_\_\_\_  
Susan Obray, City Recorder

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Karen Cronin, Mayor

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Shanna Johnson, Chief Deputy Recorder

1 PERRY CITY COUNCIL MEETING  
2 PERRY CITY OFFICES  
3 September 03, 2015

7:00 PM

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

8  
9 CITY STAFF PRESENT: Greg Westfall, City Administrator  
10 Shanna Johnson, Chief Deputy Recorder  
11 Dale Weese, Chief of Police  
12

13 OTHERS PRESENT: Kyle Coburn, Travis Coburn, Jerry Nelson, Debbie Nelson, Jace Tilley,  
14 Natasha Tilley, Lani Braithwaite, Dale Weese, Devin Miles, Randy Matthews, Brad  
15 Wilkinson, McKell Casper, Len Nelson, Kristy Hall, Steven Pettingill

16 **ITEM 1: CALL TO ORDER**

17 Mayor Cronin called the meeting to order.

18 **A. INVOCATION**

19 Mayor Cronin offered the invocation.

20 **B. PLEDGE OF ALLEGIANCE**

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

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

23 Council Member Lewis asked if item 5A should be discussed prior to 4B. Greg Westfall  
24 stated that the City would need to review and take action on 4B as presented by the  
25 Planning Commission regardless of the discussion on item 5A and stated he felt the order of  
26 the agenda was appropriate. Council Member Lewis said he did not see anything regarding  
27 his eligibility listed on the agenda. Mayor Cronin stated she was going to report on this  
28 during the Conflicts of Interest section of the agenda. Council Member Lewis asked if we  
29 are going to have an Executive Session. Mayor Cronin said yes. Council Member Lewis  
30 asked if items 8A, 8B, and 8C were contingent upon the discussion in the Executive Session.  
31 Mayor Cronin said yes there will be information given in the executive session that will  
32 play into those action items. Council Member Lewis suggested removing the words 'if  
33 needed' after Executive Session.

34 **MOTION:** Council Member Lewis made a motion to approve the agenda as amended.  
35 Council Member Nelson seconded the motion.

36 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
37 Council Member Montgomery, Yes                      Council Member Lewis, Yes  
38 Council Member Gerlach, Yes  
39 **Motion Approved.** 5 Yes, 0 No.

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**ITEM 2: PROCEDURAL ISSUES**  
**A. CONFLICT OF INTEREST DECLARATION**

Mayor Cronin explained that a couple minutes ago the Council asked for interpretation from the Lieutenant Governor’s office regarding Council Member Lewis’s eligibility to serve as a City Council Member as he is currently living in Tremonton. She stated that the City did receive a letter back from the Lieutenant Governor’s office and she has forwarded a copy to the City Council. She said because this issue was brought up by a citizen she is going to read a portion of the letter from the Lieutenant Governor’s office, signed by Justin Lee:

“There is sufficient information provided by Council Member Lewis to reasonably accept that he and his family are only temporarily residing in Tremonton with his principal residents remaining in Perry. Based on Council Member Lewis’s intent to send his children to school in Perry in the fall of 2015 and a conversation with Council Member Lewis on August 6, 2015 in which he indicated that he is ready to sign paperwork to begin construction on his real property with a timeline to complete construction within 6 months. If the construction takes much longer than the estimation to complete, if Council Member Lewis registers to vote outside of Perry or if Council Member Lewis takes any other action that indicates his intention to make Tremonton his primary place of residence it would be reasonable to revisit this issue. It would also be appropriate to revisit this issue if a person challenges Council Member Lewis’s voter eligibility.”

Mayor Cronin said with that she would think that the Council would be comfortable with Council Member Lewis taking part in the Council Meeting tonight. The City Council agreed with the Mayor’s assumption.

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

Shanna Johnson passed out the warrants.

**C. BUSINESS LICENSE(S)**

None.

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

**A. PUBLIC COMMENTS**

Mayor Cronin opened the meeting up for public comment.

**Jerry Nelson:** said that he has a heavy heart, as the gun range has been his passion for longer than he has been involved in politics. He stated with some of the recent issues he finds it necessary for his wife and himself to resign and step away from their target coordinator positions because of the safety issues and other reasons they in good conscience cannot be a part of this endeavor. He brought up several questions. Jerry said the Council was manipulated by the Mayor last meeting so that she could get the new policy passed. He claimed that Mayor Cronin threatened to cancel the NRA State Match if certain volunteers did not support and sway you to pass the policy. He asked how is it true that the gun range resolution was changed months or years ago but the gun board was not notified until August 13<sup>th</sup>.

1  
2 Mayor Cronin and Chief Weese advised Jerry that his time is up.

3  
4 **Steve Pettingill:** stated said he attended the City Council meeting last month and was  
5 concerned with discussion regarding the Wastewater Treatment Plant employee Jeff  
6 Hollingsworth and his vacation benefits. He presented a flow chart for the Wastewater  
7 Treatment Board and instructions from both Perry and Willard that represented the prior  
8 administration of the facility. He said that as long as no other flow chart has been passed  
9 by both cities, he considers this to be the document that the Board works from. He said it  
10 was noted that Jeff had been in Island park and did not use vacation. He explained that Jeff  
11 Hollingsworth worked 43 hours that week and because of this did not need to use vacation.  
12 He expressed his appreciation that Jeff has operated the facility with no violations for the  
13 past 5 years.

14  
15 **ITEM 4: ACTION ITEMS**

16 **A. APPROVAL OF THE WARRANTS**

17 **MOTION:** Council Member Montgomery made a motion to approve the warrants. Council  
18 Member Lewis seconded the motion.

19 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
20                      Council Member Montgomery, Yes                      Council Member Lewis, Yes  
21                      Council Member Gerlach, Yes  
22                      **Motion Approved.** 5 Yes, 0 No.

23  
24 **B. FINAL APPROVAL OF SUNCREST SUBDIVISION PHASE 1**

25 Mayor Cronin said that this subdivision went through the Planning Commission and was  
26 given a recommendation for City Council approval. Council Member Lewis brought up a  
27 concern with the size of lot 10 and setbacks. He asked how a normal size home would fit on  
28 the lot. Planning Commissioner Coburn said that the landowner would just need to build a  
29 home that would meet the confines of the lot and the setbacks. Greg Westfall said he is  
30 unsure of the setbacks but the lot itself is just shy of a 1/3 of an acre. Commissioner  
31 Coburn said that they addressed this concern already during the Planning Commission  
32 meeting. Council Member Lewis said that he does not remember them addressing this lot  
33 specifically and it does fall within compliance, but he is just raising the concern. Greg said  
34 it does fall within compliance and the home placed on the lot would just need to meet the  
35 setback requirements. Commissioner Coburn said that if a homeowner chooses to buy the  
36 lot they can. Mayor Cronin said that our current ordinance allows for the lot as presented  
37 and the Council could go through the process to change these requirements for future  
38 applications but we must take action on the current application based on our current code.  
39 Council Member Lewis said that he does not want to challenge our current ordinance. Greg  
40 said the Council could address this going forward.

41 **MOTION:** Council Member Lewis made a motion based on our current Ordinances to grant  
42 final approval of the Suncrets Subdivision Phase 1. Council Member Montgomery seconded  
43 the motion.

44 **ROLL CALL:** Council Member Christensen, Yes                      Council Member Nelson, Yes  
45                      Council Member Montgomery, Yes                      Council Member Lewis, Yes

Council Member Gerlach, Yes  
**Motion Approved.** 5 Yes, 0 No.

**C. FINAL APPROVAL OF ORCHARD VIEW AMEND AND EXTEND**

Greg Westfall reviewed the subdivision amendment stating that lot 1 has purchased some property from the Suncrest Subdivision to extend the property. He said that this would be adjusting the lot lines.

**MOTION:** Council Member Lewis made a motion to approve the Orchard View Amend and Extend. Council Member Nelson seconded the motion.

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

**D. MOTION REGARDING THE CANCELLATION OF THE SEPTEMBER 17, 2015 CITY COUNCIL MEETING**

Mayor Cronin advised that there will be elected officials and staff members attending the Utah League of Cities and Towns conference that will take place during the September 17<sup>th</sup> City Council meeting and proposed cancelling the meeting.

**MOTION:** Council Member Gerlach made a motion to cancel the September 17, 2015 City Council Meeting. Council Member Christensen seconded the motion.

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

**ITEM 5: DISCUSSION**  
**A. DETENTION PONDS**

Greg Westfall advised that the City is looking at possible doing a regional detention to replace 4 smaller basins on the east side including the detention basin just approved in the Suncrest Subdivision. He said if we were able to construct the proposed regional basin and if there were a major storm that caused flooding it would flood the highway, not homes. He said the consolidation of the detention ponds would result in less work for the public works crew. It would also give us added capacity. He said that with land swaps and trades the city would be looking at investing approximately \$50,000 in the project. He said that the recommendation from City staff and the City Engineer is that this is a good project and would be a priority of Perry City to work toward. Council Member Christensen asked if we were to add up the cubic feet of the smaller basins would the new regional basin have the same capacity. Greg stated it is possible that it would have more capacity. Council Member Christensen asked how the storm water would be fed to the regional basin. Greg stated that he believes that the run off would be piped to flow through the storm drain system to the new basin. Council Member Lewis asked what will happen to the current detention basins. Greg said that one is privately owned and the others are owned by Perry City. The City would be able to do what they like with the basins that we own. Mayor Cronin said that the City could possible sell the land as buildable lots and that is part of the cost

1 recuperation. Council Member Christensen asked where the land is that would be used for  
2 the regional basin. Greg stated at the bottom of the street along Highway 89. Council  
3 Member Lewis said that we would have to take out orchard and asked how much of the  
4 orchard would need to be taken out. Randy Matthews said that this is part of the  
5 subdivision that was just approved so this would not be orchards. Brad Wilkes stated that  
6 this would be on Mr. Matthews' commercial property. Mayor Cronin advised that this  
7 would alleviate some of the other detention ponds that are near capacity and it will also tie  
8 in to a pipe that would go upstream and connect to a pipe that the Flood Control Board was  
9 trying to gather some storm water from. Council Member Lewis asked if this included a  
10 land swap. Mayor Cronin said yes. Greg stated that the estimated cost of construction for  
11 the regional basin is \$128,000, but with the land swap it brings it down to approximately  
12 \$50,000. Council Member Christensen stated that he knows that gravity is a factor when  
13 working with detention basins, but we are also looking to utilize prime commercial land for  
14 the basin. Greg stated that this would be landscaped. Council Member Christensen said we  
15 do not collect any sales tax off of a detention basin. Greg agreed that we do not. Council  
16 Member Lewis said that the City also does not have a good track record for taking care of  
17 weeded lots. Mayor Cronin asked for any specific concerns so they can be reviewed prior  
18 to this being presented as an action item. Council Member Christensen stated his concern  
19 was utilizing commercial land on Highway 89 for a detention basin. Council Member Lewis  
20 asked if this basin could be installed further up the hill so that the commercial value could  
21 still retain its value. Mayor Cronin asked the landowner Randy Matthews if he had any  
22 input he would like to share. Mr. Matthews said that he did not believe that the Utah  
23 Department of Transportation would allow for access to this small sliver of land. He stated  
24 that this is a very small parcel and is very narrow. He said the only option would be to sell  
25 it to the animal hospital and that would depend on their interest in purchasing the land. He  
26 said that the property is limited due to access. Council Member Christensen agreed stating  
27 there is no driveway to the property. Mayor Cronin stated that is a point that the City  
28 Engineer brought up is that they would most likely have to use the access provided by the  
29 animal hospital. She said that they could still most likely sell the property behind the  
30 detention basin for commercial use.

31

32 **ITEM 6: MINUTES & COUNCIL MAYOR REPORTS (INCLUDING COUNCIL**  
33 **ASSIGNMENTS)**

34

35 **A. APPROVAL OF CONSENT ITEMS**

36 None.

37

38 **B. TODD CHRISTENSEN:** nothing reported.

39

40 **C. PETER GERLACH:** Nothing reported.

41

42 **D. JANA NELSON:** Nothing reported.

43

44 **E. ESTHER MONTGOMERY:** Nothing reported.

45

46 **F. BRADY LEWIS:** Nothing reported.

47

1 **G. MAYOR CRONIN:** announced that the City will be hosting the first Utah State NRA  
2 Black Powder Cartridge Rifle (BPCR) Championship this weekend and opening ceremonies  
3 will be at 7:30am on Friday; she invited the Council to attend. Mayor Cronin asked Chief  
4 Weese to explain the competition. Chief Weese stated that BPCR matches date back to pre-  
5 1900s. He said that participants use a brass cartridge that must be loaded with black  
6 powder. He said that the match is timed and you get 5 minutes to get 5 shots at 600 yards.  
7 He reported that there will be several State Champions present from Montana, Idaho,  
8 California, and back east. Mayor Cronin said there are 50 registered contestants.

9  
10 Mayor Cronin said that Peach Days is the following week and there is an open invitation to  
11 the Council to be part of the parade. She stated that Perry City will also be presenting the  
12 community service award at the Peach Queen Pageant. She said that she will be there to  
13 present the award.

14  
15 **H. STAFF COMMENTS:** None.

16  
17 **I. ITEMS FOR NEXT NEWSLETTER**

- 18 • None.

19  
20 **ITEM 7: EXECUTIVE SESSION**

21 **MOTION:** Council Member Montgomery moved to close the Public Meeting and open an  
22 Executive Session to discuss potential litigation and Character and Fitness of an Individual.  
23 Council Member Christensen seconded the motion.

24 **ROLL CALL:** Council Member Christensen, Yes Council Member Nelson, Yes  
25 Council Member Montgomery, Yes Council Member Lewis, Yes  
26 Council Member Gerlach, Yes  
27 **Motion Approved.** 5 Yes, 0 No.

28  
29 The Regular Public meeting closed at approximately 7:36pm.

30  
31 **MOTION:** Council Member Christensen moved to close the Executive Session and return to  
32 the Public Meeting. Council Member Lewis seconded the motion.

33 **ROLL CALL:** Council Member Christensen, Yes Council Member Nelson, Yes  
34 Council Member Montgomery, Yes Council Member Lewis, Yes  
35 Council Member Gerlach, Yes  
36 **Motion Approved.** 5 Yes, 0 No.

37  
38 The Regular Public meeting reopened at approximately 8:33pm.

39  
40 **ITEM 8: ADDITIONAL ACTION ITEMS**

41 **A. APPROVAL OF AN INVESTIGATION INTO CITY PURCHASES**

42 **MOTION:** Council Member Montgomery made a motion to initiate an investigation into the  
43 purchase of items by Perry City to ensure proper allocation of funds transpired. Council  
44 Member Lewis seconded the motion.

45 **ROLL CALL:** Council Member Montgomery, Yes Council Member Lewis, Yes  
46 Council Member Christensen, Yes Council Member Gerlach, Yes

Council Member Nelson, Yes  
**Motion Approved.** 5 Yes, 0 No.

**B. APPROVAL TO EXPEND FUNDS FOR LEGAL SERVICES**

**MOTION:** Council Member Christensen made a motion to approve the expenditure of funds for legal services up to \$12,000. Council Member Montgomery seconded the motion.

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

**C. BENEFIT EXCEPTION REQUEST**

**MOTION:** Council Member Nelson made a motion to grant the exception request submitted by Mr. Jeff Hollingsworth and restore 314 hours of vacation into his vacation allocation with a sunset period of 3 years at which time his vacation and carryover will be in accordance with the Perry City Policy. Council Member Gerlach seconded the motion.

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

**ITEM 9: ADJOURNMENT**

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

The meeting adjourned at 8:37pm.

\_\_\_\_\_  
Susan Obray, City Recorder

\_\_\_\_\_  
Karen Cronin, Mayor

\_\_\_\_\_  
Shanna Johnson, Chief Deputy Recorder