

## **Thursday, February 28, 2019**

### **PERRY CITY COUNCIL MEETING AGENDA**

The Perry City Council will hold a meeting on the Thursday identified above, starting at approximately 7:00 PM after a 5:00 PM Work Session, in the City Council Room at 3005 South 1200 West in Perry. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

#### **Approx. 5:00 PM – Work Session**

- 1. Projects Review**
- 2. Budget Planning**

#### **Approx. 7:00 PM – Regular Meeting**

- 1. Call to Order and Opening Ceremonies**

- A.** Thought, Reading or Invocation – Nathan Tueller
- B.** Pledge of Allegiance – Toby Wright
- C.** Review and Adopt the Agenda

- 2. Approx. 7:05 PM Procedural Issues**

- A.** Conflicts of Interest Declaration(s), If Any
- B.** Pass out Warrants to Council Members (and Possible Discussion)
- C.** Business License(s):
  - Just Chad Handyman LLC
  - TM Finish LLC
  - Interactiv LLC

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

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

- A.** Ordinance 19-A Updating Fees & Processes Associated With Perry City Utilities
- B.** Resolution 19-03 Amending the Fiscal Year 2018-2019 Budget
- C.** Public Comments

- 4. Approx. 7:30 PM – Presentation**

- A.** Flood Control Board Recognition
- B.** State of the City Address

- 5. Approx. 7:45 PM – Action Items (Roll Call Vote)**

- A.** Approval of Warrants
- B.** Ordinance 19-A Updating Fees & Processes Associated With Perry City Utilities
- C.** Resolution 19-03 Amending the Fiscal Year 2018-2019 Budget
- D.** Resolution 19-04 Approving the Charging of Fees for Sex Offender& Child Abuse Registry
- E.** Motion to Authorize the Mayor to Execute a Right of Way Contract for Property Located at 1100 West 1200 South
- F.** Motion to Authorize the Mayor to Execute Contracts for City Legal Services (Civil & Prosecution)
- G.** Motion to Approve the Disposition of Unclaimed Property

- 6. Approx. 8:15 PM – Discussion Items**

- A.** FY2019 Budget Update

**7. Approx. 8:20 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
  - January 10, 2019 City Council Meeting Minutes
  - January 24, 2019 City Council Meeting Minutes
- B.** Mayor's Report
- C.** Council Reports
- D.** Staff Comments
- E.** Planning Commission Report

**8. Approx. 8:45 PM – Executive Session (if needed)**

- A.** Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.
- B.** Strategy session to discuss the character, professional competence, or physical or mental health of an individual.
- C.** Strategy session to discuss collective bargaining.
- D.** Strategy session regarding pending, or reasonably imminent litigation.
- E.** Strategy session to discuss the deployment of security personnel, devices, or systems.
- F.** Discussion of investigative proceedings regarding allegations of criminal misconduct.

**9. Approx. 9:00 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: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 21<sup>st</sup> day of February, 2019. 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>Bennett, Tueller, Johnson &amp; Deere</b>								
12109	Bennett, Tueller, Johnson & Deere	208998	Legal Services Rendered	02/11/2019	6,400.00	6,400.00	02/21/2019	
12109	Bennett, Tueller, Johnson & Deere	208998	Legal Services Rendered	02/11/2019	1,200.00	1,200.00	02/21/2019	
12109	Bennett, Tueller, Johnson & Deere	208998	Legal Services Rendered	02/11/2019	400.00	400.00	02/21/2019	
Total Bennett, Tueller, Johnson & Deere:					8,000.00	8,000.00		
<b>Brigham City Corp.</b>								
6106	Brigham City Corp.	2/07/2019	interlocal storm water	02/06/2019	117.60	117.60	02/07/2019	
6106	Brigham City Corp.	2/07/2019	walmart sales tax	02/06/2019	22,186.14	22,186.14	02/07/2019	
Total Brigham City Corp.:					22,303.74	22,303.74		
<b>Cache Valley Electric</b>								
12475	Cache Valley Electric	22-217109	Perry City Sign	02/04/2019	4,261.08	4,261.08	02/12/2019	
Total Cache Valley Electric:					4,261.08	4,261.08		
<b>Hansen &amp; Associates</b>								
9625	Hansen & Associates	2019-175	1200 W Corridor Project	02/06/2019	4,078.00	4,078.00	02/21/2019	
Total Hansen & Associates:					4,078.00	4,078.00		
<b>Keller Technology</b>								
11436	Keller Technology	2/07/2019	2 Desk top Computers	01/02/2019	2,030.00	2,030.00	02/07/2019	
Total Keller Technology:					2,030.00	2,030.00		
<b>Kimball Probst &amp; Co, Inc.</b>								
12398	Kimball Probst & Co, Inc.	2019-9	Appraisal of City Property	02/08/2019	2,500.00	2,500.00	02/12/2019	
Total Kimball Probst & Co, Inc.:					2,500.00	2,500.00		
<b>Quality Alarm Systems, LLC</b>								
12325	Quality Alarm Systems, LLC	1/30/2019	Surveillance System	01/30/2019	2,000.00	2,000.00	01/30/2019	
Total Quality Alarm Systems, LLC:					2,000.00	2,000.00		
<b>Redmond Minerals</b>								
12453	Redmond Minerals	279973	Ice Slicer	01/10/2019	3,886.68	3,886.68	01/30/2019	
Total Redmond Minerals:					3,886.68	3,886.68		
<b>Republic Services</b>								
10200	Republic Services	0493-0006041	garbage service	01/31/2019	18,701.70	18,701.70	02/21/2019	
Total Republic Services:					18,701.70	18,701.70		
<b>Rocky Mountain Power</b>								
2501	Rocky Mountain Power	1/31/2019	power bill	01/16/2019	27.29	27.29	01/31/2019	
2501	Rocky Mountain Power	1/31/2019	power bill	01/16/2019	1,703.49	1,703.49	01/31/2019	
2501	Rocky Mountain Power	1/31/2019	power bill	01/16/2019	262.28	262.28	01/31/2019	
2501	Rocky Mountain Power	1/31/2019	power bill	01/16/2019	4,372.40	4,372.40	01/31/2019	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2501	Rocky Mountain Power	1/31/2019	power bill	01/16/2019	98.00	98.00	01/31/2019	
2501	Rocky Mountain Power	1/31/2019	power bill	01/16/2019	540.08	540.08	01/31/2019	
2501	Rocky Mountain Power	2/12/2019	WWTP Power Bill	01/16/2019	4,917.55	4,917.55	02/12/2019	
Total Rocky Mountain Power:					11,921.09	11,921.09		
<b>The Bancorp Bank</b>								
12149	The Bancorp Bank	434907	Vin 1fm5k8ar5hgb33203 2017 F E	01/31/2019	6,832.71	6,832.71	02/12/2019	
Total The Bancorp Bank:					6,832.71	6,832.71		
<b>Utah Local Governments Trust</b>								
10333	Utah Local Governments Trust	1/24/2019	workers comp & Bonds	01/22/2019	3,629.20	3,629.20	01/24/2019	
Total Utah Local Governments Trust:					3,629.20	3,629.20		
<b>William M. Morris P.C.</b>								
10434	William M. Morris P.C.	2/07/2019	Prosecution Services	02/01/2019	2,272.50	2,272.50	02/07/2019	
Total William M. Morris P.C.:					2,272.50	2,272.50		
<b>Zions Bank</b>								
11510	Zions Bank	1/31/2019	Utopia	01/24/2019	9,900.26	9,900.26	01/31/2019	
Total Zions Bank:					9,900.26	9,900.26		
Grand Totals:					102,316.96	102,316.96		

Dated: \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

## Report Criteria:

Detail report.

Paid and unpaid invoices included.





## BUSINESS LICENSE APPLICATION

### Check all that Apply:

☒ Original application   ☐ Renewal Application

Change of: ☐ Address ☐ Ownership ☐ Business name

### Business Information – Please type or print clearly:

Applicant's Name Chad Pauter

Business Name Just Chad Handyman LLC

Business Address 1224 W 3225 S Perry City, UT 84302

What type of building is this? ☒ Home   ☐ Commercial   ☐ Other

Will you have visiting clientele at this address? ☐ Yes   ☒ No

Mailing Address 1224 W 3225 S City Perry State UT Zip 84302

Bus. Phone (435) 730-2950 Business Start Date 12-18-17

Email Address: chadpauter9@hotmail.com (required) Sales Tax # 83-2560584

Website Address: \_\_\_\_\_

Is the Applicant the Property Owner? ☒ Yes   ☐ No

If No, Property Owner's Name \_\_\_\_\_ Phone (   ) \_\_\_\_\_

Describe Business: Handyman Service

### 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) |   |  |

All Licenses expire December 31<sup>st</sup>. No pro ration for a partial year.

### Perry City Contact:

Robin Matthews, Utility, Permit, & Licensing Clerk

435-723-6461 ext.103

[robin.matthews@perrycity.org](mailto:robin.matthews@perrycity.org)

### FOR OFFICE USE ONLY

Zone \_\_\_\_\_ Use: P\* P C N

Issued \_\_\_\_\_ Approved \_\_\_\_\_

Business License No. \_\_\_\_\_

License Fee\$ \_\_\_\_\_ Date Rec'd \_\_\_\_\_

Receipt # \_\_\_\_\_

☐ Check # \_\_\_\_\_ ☐ Cash ☐ Other \_\_\_\_\_

**FOR OFFICE USE ONLY**

Zone \_\_\_\_\_ Use: P\* P C N  
Issued \_\_\_\_\_ Approved \_\_\_\_\_  
Business License No. \_\_\_\_\_  
License Fee \$ \_\_\_\_\_ Date Rec'd \_\_\_\_\_  
Receipt # \_\_\_\_\_  
☐ Check # \_\_\_\_\_ ☐ Cash ☐ Other \_\_\_\_\_

**BUSINESS LICENSE RENEWAL**

Renew for 2019      Not Renewing

**Business Information – Please type or print clearly:**

Applicant's Name TYLER Melbos

Business Name TM Finish LLC

Business Address 3292 S 1500 W Perry City, UT 84302

Email (REQUIRED): TMFinish32@gmail.com

Describe any changes to your business including location, contact information, business activities and operations: Moved from Roy

**Check all that Apply:**

Professional Services \$34

Home Business \$30

Wholesale/Retail Bus. \$30

Big Box \$5,000

Construction \$125

Automotive \$34

Gas Station/Conv. Store \$125

Solicitors \$38 per person (ID required for all participants)

Food /Fruit Sales \$125

Large Scale Constr. \$2,359

Live Performance \$125

Movie Theater \$125

Public Lodging \$34

Rental \$41 (+\$10/unit)

Storage Units \$125

Truck Stop \$2,608

Restaurant \$125

Temporary \$34

Amusement Machines \$30

Vending Machines \$5

Class A Beer \$225

Public Exhibitions \$30/day

Medium Size Retail \$500

All Licenses expire December 31<sup>st</sup>. No pro ration for a partial year.

**Note:**

Pursuant to state legislation amending Section 10-1-203 of State Code, Perry City no longer requires a license for home based businesses without visiting clientele. If you believe you fall into this category and no longer desire a license please mark 'Not Renewing' above.

**Perry City Contact:**

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[robin.matthews@perrycity.org](mailto:robin.matthews@perrycity.org)

*Pl. w/ cash*



## **BUSINESS LICENSE APPLICATION**

### **Check all that Apply:**

☒ Original application   ☐ Renewal Application

Change of:   ☐ Address   ☐ Ownership   ☐ Business name

### **Business Information – Please type or print clearly:**

Applicant's Name Ryan Carpenter

Business Name Interoactiv LLC

Business Address 290 W 300 S   Perry City, UT 84302

What type of building is this?   ☒ Home   ☐ Commercial   ☐ Other

Will you have visiting clientele at this address?   ☐ Yes   ☒ No

Mailing Address 290 W 300 S   City PERRY   State UT   Zip 84302

Bus. Phone (720) 966 4889   Business Start Date 11/2017

Email Address: ryan@interoactiv.com (required)   Sales Tax # \_\_\_\_\_

Website Address: https://interoactiv.com

Is the Applicant the Property Owner?   ☐ Yes   ☒ No

If No, Property Owner's Name Gary Carpenter   Phone (   ) \_\_\_\_\_

Describe Business: \_\_\_\_\_

### **Check all that Apply:**

- |  |   |  |
|--|---|--|
| 1. <input checked="" 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        |
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| 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) |   |  |

All Licenses expire December 31<sup>st</sup>. No pro ration for a partial year.

### **Perry City Contact:**

Robin Matthews, Utility, Permit, & Licensing Clerk

435-723-6461 ext.103

[robin.matthews@perrycity.org](mailto:robin.matthews@perrycity.org)

### **FOR OFFICE USE ONLY**

Zone \_\_\_\_\_ Use: P\* P C N

Issued \_\_\_\_\_ Approved \_\_\_\_\_

Business License No. \_\_\_\_\_

License Fee\$ \_\_\_\_\_ Date Rec'd \_\_\_\_\_

Receipt # \_\_\_\_\_

☐ Check # \_\_\_\_\_   ☐ Cash   ☐ Other \_\_\_\_\_

**PERRY CITY  
ORDINANCE 19-A**

**UTILITY FEES AND TERMINATION OF SERVICES**

**WHEREAS,** A consistent approach to handling late fees and termination of services is needed;

**WHEREAS,** It has been founded desirable to update the fees and processes associated with Perry City's handling of late fees and termination of services;

**NOW THEREFORE,** be it ordained by the Council of Perry City, in the State of Utah, as follows:

**SECTION 1:**        **ADOPTION** “12.01 Billing For Services” of the Perry Municipal Code is hereby *added* as follows:

**A D O P T I O N**

12.01 Billing For Services(*Added*)

**SECTION 2:**        **ADOPTION** “12.01.010 Name” of the Perry Municipal Code is hereby *added* as follows:

**A D O P T I O N**

12.01.010 Service Billings Payment And Delinquency(*Added*)

The City shall bill each water user for each calendar month for the water actually or constructively used and adjusted by actual meter readings. The bill for said water service may be combined with the City sewer service charges, garbage, and/or other City services and one bill only rendered to the user. Payment in full for such combined billings shall be made to Perry City on or before the first (1st) day of each calendar month covering the previous month's services. If any water user fails to pay the his water and utility charge, the municipality may enforce charges and/or collection as follows:

1. Monthly Bills, Late Fees, Interest, and Termination of Services

- a. Payment for all fees and charges shall be assessed each month and shall be due and payable as per the monthly billing notice (mailed to the Billing Address provided). Any payment that is more than thirty (30) days late shall be assessed a late fee of \$10.00. Any payment that is more than sixty (60) days late shall be assessed an additional late fee of \$20.00. Any payment that is more than ninety (90) days late shall be assessed an additional late fee of \$30.00 and result in termination of services until all delinquencies are paid in full.
- b. In the event of default or late payments, Perry City shall have the right to institute collection action (including legal proceedings) on all outstanding amounts. Any amounts turned over to an attorney or collection agency for collection shall be assessed an annual interest rate of eighteen (18%) percent. The Property Owner agrees to pay for all court costs and administrative expenses involved in collecting past due amounts including attorney's fees and collection costs of forty (40%) percent of the balance turned over to any attorney or collection agency.

**SECTION 3:**        **AMENDMENT** “12.01 Questar Gas Franchise” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.~~01~~02 Questar Gas Franchise

**SECTION 4:**        **REPEAL** “12.07.020.5 Service Billings Payment And Delinquency” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~12.07.020.5 Service Billings Payment And Delinquency~~ (*Repealed*)

~~The City shall bill each water user for each calendar month for the water actually or constructively used and adjusted by actual meter readings. The bill for said water service may be combined with the City sewer service charges, garbage or other City contracted services and one bill only rendered to the user. Payment in full for such combined billings shall be made to Perry City on or before the first (1st) day of each calendar month covering the previous month's services. If any water user fails to pay his water and utility charge, the municipality may enforce charges and/or collection as follows:~~

- ~~1. Monthly Bills, Late Fees, Interest, and Termination of Service:~~

- a. ~~Payment for all fees and charges shall be assessed each month and shall be due and payable as per the monthly billing notice (mailed to the Billing Address provided). Any payment that is more than thirty (30) days late shall be assessed a late fee of \$25.00. Any delinquency in the payment of fees or charges outstanding for more than sixty (60) days may result in:~~
- ~~i. the termination of services until all delinquencies are paid in full (or until the said failure to conform is corrected); and/or~~
  - ~~ii. the assessment of an annual interest rate of eighteen (18%) percent. If a notice other than the monthly billing statement is served upon the Property Owner as a result of any delinquency, an additional fee of \$15.00 shall be assessed for any mailed notice (and a \$50.00 fee shall be assessed for any notice served in person upon the property or upon the Property Owner).~~
2. ~~Collection Action and Incorporation by Reference of Perry Municipal Code:~~
- a. ~~In the event of default or late payments, Perry City shall have the right to institute collection action (including legal proceedings) on all outstanding amounts. Any amounts turned over to an attorney or collection agency for collection shall be assessed an annual interest rate of eighteen (18%) percent. The Property Owner agrees to pay for all court costs and administrative expenses involved in collecting past due amounts including attorney's fees and collection costs of forty (40%) percent of the balance turned over to any attorney or collection agency. In addition to the terms of the Application, the Undersigned agrees to be bound by the Ordinances, Resolutions, and Regulations (enacted or adopted by Perry City) applicable to the City's utility system and the provisions of the Application.~~

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember James Taylor	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Kevin Jeppsen, Mayor, Perry City

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



**PERRY CITY**

**RESOLUTION NO. 19-03**

**AN RESOLUTION AMENDING THE BUDGET FOR THE PERRY  
CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND  
ENDING JUNE 30, 2019.**

**WHEREAS**, on June 14, 2018, the Perry City Council adopted by resolution the budget for the Perry City for the fiscal year beginning July 1, 2018 and ending June 30, 2019, in accordance with the requirements of the state statute; and

**WHEREAS**, the Mayor has prepared and filed with the City Recorder proposed amendments to the adopted budget for consideration by the City Council; and

**WHEREAS**, said proposed amendments reflect adjustments to revenues and expenses and to transfer said funds to the capital project fund budget; and

**WHEREAS**, the proposed amendments have been duly noticed and a public hearing held on February 28, 2019 as required by applicable Utah Statutes; and

**WHEREAS**, all conditions precedent to the amendment of the budget have been accomplished; and

**WHEREAS**, the Perry City Council determines that amending the fiscal year 2018-2019 budget is in the best interest of the health, safety, and welfare of the citizens of the Perry City, Utah.

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

**SECTION 1  
BUDGET ADOPTION**

The budget amendment attached hereto as *Exhibit A* and made a part of this Resolution is hereby adopted and incorporated in the budget of the Perry City, Utah for the fiscal year beginning July 1, 2018, and ending June 30, 2019, in accordance with the requirements of state law.



**SECTION 2  
CERTIFICATION**

The City Recorder is hereby directed to have this Resolution certified by Shanna Johnson as Budget Officer.

**SECTION 3  
EFFECTIVE DATE**

This resolution shall take effect immediately upon posting, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 28<sup>th</sup> day of February, 2019.

**PERRY CITY**

By: \_\_\_\_\_  
Kevin Jeppsen, Mayor

[SEAL]

**VOTING:**

Montgomery	Yea	___	Nay	___
Taylor	Yea	___	Nay	___
Tueller	Yea	___	Nay	___
Watkins	Yea	___	Nay	___
Wright	Yea	___	Nay	___

**ATTEST:**

\_\_\_\_\_  
Shanna Johnson,  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_ day of February, 2019.

**RECORDED** this \_\_\_\_\_ day of February, 2019

# EXHIBIT A

## BUDGET AMENDMENTS TO 2018-2019 BUDGET

	Additional	Original Budget	Amended Budget
ADDITIONAL REVENUES FOR GENERAL FUND			
POLICE GRANTS/DONATIONS	\$26,218	\$0	\$26,218
BEG. GENERAL FUND BAL. TO BE APPROPRIATED	\$15,312	\$34,073	\$49,385
TOTAL	\$41,530		
AMENDMENTS TO GENERAL FUND EXPENSES			
POLICE DEPARTMENT (GRANT EXPENSES)	\$22,876	\$836,874	\$859,750
COMMUNITY DEVELOPMENT (WELCOME SIGN)	\$10,000	\$626,344	\$640,344
COMMUNITY DEVELOPMENT (HOLIDAY EVENTS)	\$4,000		
ADMINISTRATION (WEB PAGE)	\$4,654	\$771,061	\$775,715
TOTAL	\$41,530		
	Additional	Original Budget	Amended Budget
ADDITIONAL REVENUES FOR GENERAL FUND	\$41,530	\$3,900,540	\$3,942,070
AMENDMENTS TO GENERAL FUND EXPENSES	\$41,530	\$3,900,540	\$3,942,070
	Additional	Original Budget	Amended Budget
ADDITIONAL REVENUES FOR UTILITY FUND			
WATER SALES	\$14,660	\$353,000	\$367,660
GARBAGE SALES	\$3,643	\$262,035	\$265,678
TOTAL	\$18,303		
AMENDMENTS TO UTILITY FUND EXPENSES			
AUTO METERS	\$16,000	\$17,426	\$33,426
EQUIPMENT SUPPLIES & MAINT. (WATER)	\$2,303	\$13,750	\$16,053
TOTAL	18,303		
TOTAL	\$41,530	\$3,900,540	\$3,942,070
	Additional	Original Budget	Amended Budget
ADDITIONAL REVENUES FOR UTILITY FUND	\$18,303	\$715,707	\$734,010
AMENDMENTS TO UTILITY FUND EXPENSES	\$18,303	\$690,684	\$708,987

PERRY CITY CORPORATION  
RESOLUTION 19-04  
A RESOLUTION APPROVING CHARGING OF FEES FOR SEX OFFENDER AND CHILD  
ABUSE REGISTRY

WHEREAS, Section 77-41-104(5) (a) (1) UCA states, "A municipal or county law enforcement agency shall register an offender who resides within the agency's Jurisdiction and is not under the supervision of the Division of Adult Probation and Parole within the department, and,

WHEREAS, Section 77-41-111-(1) (B) UCA states "Each offender required to register under Section 77-41-105 UCA shall in the month of the offender's birth pay to the registering agency, if it is an agency other than the Department of Corrections, an annual fee of not more than \$25, which may be assessed by that agency for providing registration", and,

WHEREAS, Perry City Police Department complies with the requirements of section 77-4-104 UCA to register offenders; and,

WHEREAS, certain costs are incurred in fulfilling this requirement; and,

WHEREAS, Section 77-41-111 UCA allows the registering agency to assess a Fee not to exceed \$25.00.

WHEREAS, the Perry City Council determines it is in the best interest of the Health, safety, and welfare of the Community to assess a fee,

NOW THEREFORE BE IT RESOLVED BY THE PERRY CITY COUNCIL, the Perry City Council approved the assessment of a \$25.00 fee for offenders required to register under Section 77-41-105-UCA.

This resolution passed by the City Council of Perry City, Box Elder County, State of Utah, By a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kevin Jeppsen, Mayor of Perry City

ATTEST:

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



# RIGHT OF WAY CONTRACT

Partial Acquisition and Easement

**Project No:** \_\_\_\_\_  
**Project Location:** 1100 West - 1200 West, Perry, Utah  
**County of Property:** Box Elder County  
**Parcel No.(s):** 1 & 1:E  
**Tax ID / Sidwell No:** 03-151-0017  
**Property Address:** A part of the Southwest Southeast Quarters of Section 26 and part of the Northwest and Northeast Quarters of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian, Perry, Utah 84302  
**Owner / Grantor (s):** Stonefield Inc.  
**Owner's Address:** 355 Boxington Way, Sparks, NV 89434  
**Owner's Home Phone:** \_\_\_\_\_  
**Owner's Work Phone:** 775-358-6100- cell -

IN CONSIDERATION of the foregoing and other consideration hereinafter set forth, it is mutually agreed by the parties as follows:

The Owner/Grantor hereby agrees to sell a portion of the property located at , which portion is more particularly described as part of A part of the Southwest Southeast Quarters of Section 26 and part of the Northwest and Northeast Quarters of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian, Perry, Utah 84302 on Exhibit A hereto (the "Property") and to grant a perpetual easement on and over the easement area more particularly described on Exhibit A hereto (the "Easement Area"), to Perry City, a body corporate and politic of the State of Utah (hereinafter "City"), for Transportation Purposes for the amount of \$240,000.00.

1. Upon signing this Right of Way contract, Owner consents to allow City to enter the Property and Easement Area in order to conduct any necessary testing (such as environmental or geotechnical), surveying, or other due diligence.
2. Owner shall leave the Property and Easement Area in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the Property or Easement Area other than what is provided for in this Contract. Owner agrees to maintain the Property and the Easement Area until City takes possession. Owner agrees not to sell the Property or the Easement Area to anyone else, or to enter into any contract that will affect the use of the Property and the Easement Area when City takes possession.
3. Owner agrees to transfer the Property and Easement Area free of all debris and toxic materials (including paint or other household products).
4. All fixtures and improvements are to remain with the Property, including landscaping, retaining walls, fences, etc.
5. The Property will be conveyed from Owner to City by Warranty Deed, free of all liens and encumbrances. The Easement Area will be granted by the Owner to the City by Perpetual Easement Deed.
6. Owner understands and agrees that City will not accept delivery of the Warranty Deed or the Easement from the Right of Way Agent, and will not take ownership of the Property, unless and until City is satisfied with (a) the status of title to the Property and the Easement Area, and (b) the physical and environmental condition of the Property and the Easement Area.
7. Owner agrees to pay any and all taxes assessed against the Property to the date of closing. City agrees to pay all taxes assessed against the Property from and after the date of closing.
8. Owner understands that at Closing, at its discretion, City may pay the full amount of \$240,000.00 directly to Owner. In that event, it is Owner's responsibility to understand and fulfill any obligations to lienholders, mortgagees, or others who may have an interest in the Property or the proceeds from its sale. At the option of City, the transaction may be handled through a title and escrow company selected by City and at City's expense, in which event at closing, the title company will disburse funds to lienholders, mortgagees or others having an interest in the Property, with the remainder of the purchase price paid to Owner.
9. "Transportation Purposes" means public use for street and road purposes, together with the right to use the same for water, sewer, gas, power, telephone and other public utilities and all those other uses that are ordinarily associated with streets or roads or vital to the public's health, safety and welfare.
10. Owner is aware that Utah Code Ann. § 78B-6-520.3 provides that in certain circumstances, the seller of property, which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right under Utah Code Ann. § 78B-6-520.3 that Grantor may have to repurchase the property being acquired herein.
11. This Right of Way Contract contains the entire agreement between Owner and City, and it shall be governed by the laws of the State of Utah. The undersigned represent and warrant that he/she/they have authority to sign on behalf of Owner
12. Closing to be at Founders Title in Layton, Utah.
13. Perry City will pay all eligible closing costs including green belt roll back taxes as part of the acquisition.

X   
Grantor's Initials

Garry Nelson  
President



The value of these improvements is included in the Total Settlement.

**Total Settlement \$240,000.00**

Owner understands and acknowledges that this Contract is not binding until approved by the City's Project Manager and the City's Mayor.

Owner's Initials X

IN WITNESS WHEREOF, the parties have executed this Contract as of this the 20 day of November, 2018.

[Signature]  
Acquisition Agent

10/25/2018  
Date

Owner/Grantor

Real Estate Manager

Date

[Signature] PRE 11/20/18  
Owner/Grantor Date

Mayor or Designee

Date

Owner/Grantor

Date

X  
Owner's Initials

# OFFER TO PURCHASE RIGHT OF WAY

**Owner Name:** Stonefield Inc.

**Property Address:** A part of the Southwest Southeast Quarters of Section 26 and part of the Northwest and Northeast Quarters of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian, Perry, Utah 84302

**Parcel No** 1 and 1:E

**Tax Id:** 03-151-0017

**Project Location:** 1100 West - 1200 West, Perry City, Utah

**The Perry City hereby makes you an offer of \$240,000.00 as Just Compensation for your property and/or easement(s) on your property.**

This is the approved value for the parcel of land described in the Project shown above.

Perry City declares that this offer has been established by the City as Just Compensation and is in accordance with applicable State laws and requirements. Just Compensation is defined as the fair market value of the property acquired. This amount is based on the land, improvements and any fixtures considered to be real property.

The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, and other related transportation uses.

**This letter is not a contract to purchase your property. It is merely an offer to purchase the property and/or purchase easement(s) on your property for \$240,000.00.** Along with this Offer attached are the Statement of Just Compensation, Executive Summary of Property Owner's Rights, and the Agency's Brochure. Your signature is for the purpose of verifying that you have actually received these items. Signing this document does not prejudice your right to have the final amount determined through Condemnation proceedings in the event you do not accept this Offer. Information regarding your rights is explained in the agency's brochure.

Information about the acquiring process and procedures is included in the Agency's Brochure, which has been given to you. Other information regarding your rights as a property owner was also given to you with this offer. If you have questions regarding this offer or information given to you, please contact me, LaMar A. Mabey (Consultant). I can be reached at 801-837-1990.

Receipt: Please sign below to indicate you have received the following documents:

Ombudsman's Acquisition Brochure - Your Guide to Just Compensation  
Offer to Purchase & Offer Letter  
Statement of Just Compensation  
Right of Way Contract  
Map and legal description

Date: 11/20/18

By: [Signature] FRB3  
Signature of Grantor/Owner

Date: 11/20/18

By: [Signature]  
Signature of Grantor/Owner

Date: 10/25/2018

By: [Signature]  
LaMar Mabey (Consultant) / Acquisition Agent



## STATEMENT OF JUST COMPENSATION

<b>Project No:</b>		<b>Parcel No.(s):</b>	1 & 1:E
<b>Project Location</b>	1100 West – 1200 West, Perry, Utah		
<b>County of Property</b>	Box Elder County	<b>Tax ID / Sidwell No:</b>	03-151-0017
<b>Property Address:</b>	A part of the Southwest Southeast Quarters of Section 26 and part of the Northwest and Northeast Quarters of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian, Perry, Utah 84302		
<b>Owner / Grantor (s):</b>	Stonefield Inc..		
<b>Owner's Address:</b>	355 Boxington Way, Sparks, NV 89434		
<b>Owner's Home Phone</b>		<b>Owner's Work Phone</b>	775-358-6100- cell

The following information is the basis for the amount estimated by Perry City to be Just Compensation:

Ownership Size: 41.160 acres

TYPE OF INTEREST	PARCEL NO.	SIZE OF PARCEL	PRICE/ SQ.FT.	FACTOR	VALUE
Fee	1	2.73 acres	\$1.85		\$220,000.00
Perpetual Easement	1:E	0,49 acre	\$1.85	.50	\$19,945.00
Improvements / Buildings:					\$
Improvements / Other					\$
Cost to Cure					\$
Less: Special Benefits					\$
					\$
List any Improvements that will be replaced/or constructed as part of project:					\$
	<b>Total (Rounded)</b>				<b>\$240,000.00</b>

Perry City declares that this offer is the amount that has been established by the City as just compensation and is in accordance with applicable State laws and requirements. Just compensation is defined as the fair market value of the property taken, plus damages to the remaining property, less any benefit that may accrue to said property by reason of the construction of the project.

10/25/2018  
DATE

LaMar A. Mabey  
LaMar A. Mabey Right-of-Way Acquisition Agent

X

Perry City

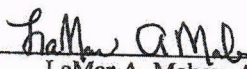


## AGENT'S LOG / RECORD OF NEGOTIATIONS

<b>Project No:</b>		<b>Parcel No.(s):</b>	1 & 1:E
<b>Project Location</b>	1100 West – 1200 West, Perry, Utah		
<b>County of Property</b>	Box Elder County	<b>Tax ID / Sidwell No:</b>	03-151-0017
<b>Property Address:</b>	A part of the Southwest Southeast Quarters of Section 26 and part of the Northwest and Northeast Quarters of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian, Perry, Utah 84302		
<b>Owner / Grantor (s):</b>	Stonefield Inc.		
<b>Owner's Address:</b>	355 Boxington Way, Sparks, NV 89434		
<b>Owner's Home Phone</b>		<b>Owner's Work Phone</b>	775-358-6100- cell

Date	Record date and explanation of each contact:
June 29	Ordered the appraisal for Stonefield, Inc from Dave Holtby
Aug 8	Received the appraisal from Dave Holtby in the amount of \$240,000
Aug 9	Spoke to Brett about the appraisal and we put making an offer on hold until the City met with the Wasatch Front Regional Council to see if the City could use some of the grant money towards the construction of the road.
Sept 4	The City has a meeting set up with Wasatch Front Regional Council towards the end of September or the first part of October
Oct 25	The grant money could only be used to purchase the Right of Way for the corridor
Oct 30	Tried calling Gary Nelson with Stonefield Inc about how to get the offer to them. Left a voice message to give me a call.
Nov 1	Tried calling again no answer. I prepared the acquisition file and mailed it certified mail to Gary in sparks NV.
Nov 9	I received the signed green card back in the mail.
Nov 13	Tried calling Gary again but left a voice message for him to give me a call.
Nov 14	Gary called and said he had been out of town and just got back last night. He would look at the offer when he got into the office and get back with me.
Nov 16	Gary called with several questions which I had to go to Gary Hansen the designer to get the answer. Gary said he was out of the office and would get back with me on Monday.
Nov 19	Gary got back with me with the new exhibits and legal description with I forwarded to Gary Nelson in Sparks, NV. I called and spoke to Gary and he said he would look at the drawings and get back with me.
Nov 20	Gary said he was okay with the exhibits and would sign the paper work and get them to me.
Dec.5	I called Gary to check of the paperwork and he said he emailed them to me but I told him I had not received them yet. He resent the signed paperwork to me which I received this time. I finalized the paperwork so I could mail the acquisition file to Brett Jones the City Engineer so the could start the process of payment of the check.

Prepared by:

  
 LaMar A. Mabey, Acquisition Agent

Date:

12/5/2018



**Perry City**  
**3005 South 1200 West**  
**Perry Utah, 84302**  
**Phone: 435-723-6461**

October 25, 2018

Stonefield Inc.  
355 Boxington Way  
Sparks, NV 89434

Dear Gary Nelson:

Perry City has prepared an offer to purchase an easement on your property, which is located at the southwest and southeast quarters of section 26 and part of the northwest and northeast quarters of section 35, Township 9 North, Range 2 West of the SLBM, Perry, Utah 84302 and has assigned parcel number(s) 1 (Tax Id # 03-151-0017) to help identify your property during this process. The property has been valued using standard valuation methods. Based on those methods, Perry City hereby makes an offer to purchase your property for \$240,000.00.

Although this letter is provided as part of an attempt to negotiate with you for the sale of your property or an interest in your property without using the power of eminent domain, Perry City may use that power if it is not able to acquire the property by negotiation. Because of that potential, the person negotiating on behalf of Perry City is required to provide the following disclosures to you:

- \* You are entitled to receive just compensation for your property.
- \* You are entitled to an opportunity to negotiate with Perry City over the amount of just compensation before any legal action will be filed.
- \* You are entitled to an explanation of how the compensation offered for your property was calculated.
- \* If an appraiser is asked to value your property, you are entitled to accompany the appraiser during an inspection of the property.
- \* You are entitled to discuss this case with the attorneys at the Office of the Property Rights Ombudsman. The office may be reached at 801-530-6391, or at Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT, 84111.
  - \* The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting their property rights. You are entitled to ask questions and request an explanation of your legal options.
- \* If you have a dispute with Perry City over the amount of just compensation due to you, you are entitled to request free mediation or arbitration of the dispute from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free independent valuation of the property.
- \* Oral representations or promises made during the negotiation process are not binding upon the entity seeking to acquire the property by eminent domain.

# Perry City

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I will be pleased to visit with you or your representative to discuss this offer and to answer any questions you might have about the acquisition process. Please review all the enclosed documents:

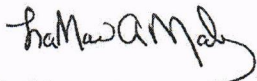
- \* Ombudsman's Acquisition Brochure - Your Guide to Just Compensation
- \* Offer to Purchase
- \* Statement of Just Compensation
- \* Right of Way Contract
- \* Appraisal
- \* Map and legal description

I will be calling you to discuss the enclosed documents and to answer any questions you may have regarding this Perry City 1100West - 1200 West Project. If you don't hear from me in the next couple of days it might mean that I have been unable to locate a good telephone number for you. As that may be the case, please give me a call and leave your contact phone number and best time for me to contact you. My contact information is on my business card and also printed below. For your records please make yourself a copy of the documents you are signing before sending them back.

If you are in agreement with our offer, please sign and initial the contract, offer to purchase, all deed(s) and/or easement(s). All deed(s) and/or easement(s) must be signed and notarized. Once all of the required documents have been signed and approved by Perry City, closing documents will be prepared. Please note the signed documents must be approved by the Perry City's Mayor or Office Administrator before they will be a final enforceable contract. Upon receipt of the signed documents, a check will be issued payable to you and sent to Founders Title in Layton, Utah for closing. Founders Title will be in touch with you to set up a closing date. If you have any questions about the closing or acquisition process, please contact me at your earliest convenience.

On behalf of Perry City, I look forward to working with you.

Sincerely,



LaMar A. Mabey (Consultant)  
801-837-1990  
Acquisition Agent /  
Perry City



Stonefield, Inc.  
03-151-0017

(C3)

$A = 35^{\circ}19'52''$   
 $R = 1000.00'$   
 $L = 616.65'$   
 $LC = 606.92'$   
 $N 18^{\circ}59'44'' E$

U.C. Wide Slope Easement

118,935 S.F.  
2.730 Acres

Not accepted as true corner.

03-151-0017

03-154-0082

0.635 Acres

W. P. O. Eusem

Stearnsfield, Inc.

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 26 AND PART OF THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SIXTH LINE EAST AND MERIDIAN, 03-151-2017

Scale in Feet

(212) 721-2481 (800) 223-1005 (415) 758-2272  
 Celebrating 60 Years of Business

... 102.00 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 947.00 FOOT RADIUS  
GROUND BEARS SOUTH 15°06'30" WEST 451.09 FEET, HAVING A CENTRAL ANGLE OF 27°33'24" TO THE TERMINUS OF THIS EASEMENT.



L = 274.5'  
LC = 273.  
S 8°47'56"

**Parcel No. 1**  
118,935 S.F.  
2.730 Acres

Property Line  
Slope Easement  
Location Line  
(Wire)  
(Wood or Vinyl)  
Rebar set by others  
1/4" Rebar With Cap



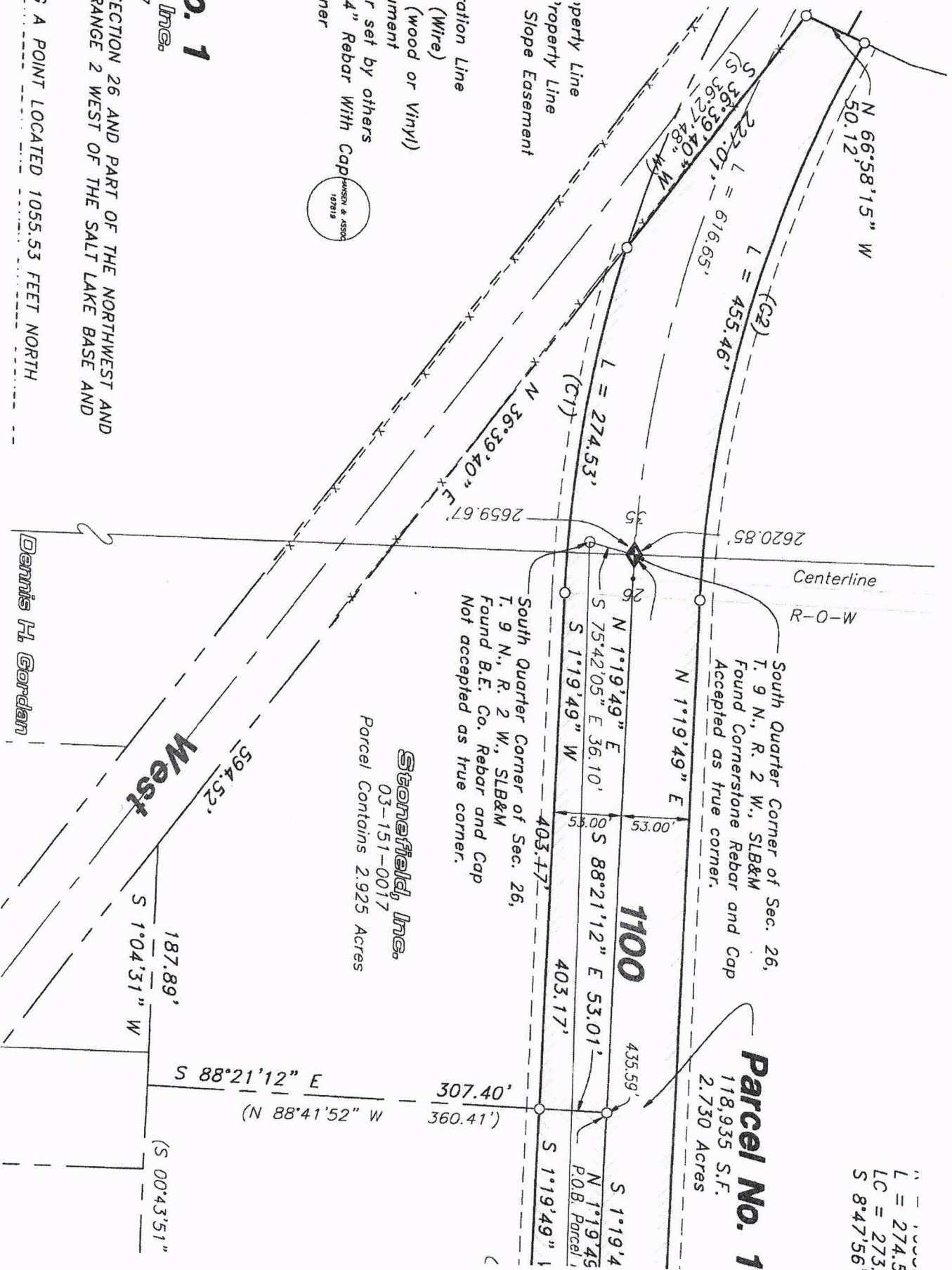
South Quarter Corner of Sec. 26,  
T. 9 N., R. 2 W., SLB&M  
Found B.E. Co. Rebar and Cap  
Not accepted as true corner.

**Stonefield, Inc.**  
03-151-0017  
Parcel Contains 2.925 Acres

**Bo. 1**  
Line  
SECTION 26 AND PART OF THE NORTHWEST AND  
RANGE 2 WEST OF THE SALT LAKE BASE AND

NG A POINT LOCATED 1055.53 FEET NORTH

Dennis H. Gordon









PARCEL NO. 1  
STONEFIELD, INC.  
03-151-0017

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 26 AND PART OF THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT GRANTORS NORTHEAST PROPERTY CORNER BEING A POINT LOCATED 1055.53 FEET NORTH 01°19'49" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER FROM THE SOUTH QUARTER CORNER OF SAID SECTION 26 AS ESTABLISHED BY CORNERSTONE SURVEYING IN 2001;

RUNNING THENCE SOUTH 01°19'49" WEST 619.94 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°21'12" EAST 53.01 FEET TO THE NEW EAST RIGHT-OF-WAY LINE OF 1100 WEST STREET; THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) SOUTH 01°19'49" WEST 403.17 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 1053.00 FOOT RADIUS CURVE, A DISTANCE OF 274.53 FEET, CHORD BEARS SOUTH 08°47'56" WEST 273.76 FEET, HAVING A CENTRAL ANGLE OF 14°56'16" TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF 1200 WEST STREET (ABANDONED UTAH IDAHO CENTRAL RAILROAD RIGHT-OF-WAY); THENCE SOUTH 36°39'40" WEST (SOUTH 36°27'48" WEST BY RECORD) 227.01 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE TO GRANTORS SOUTH BOUNDARY LINE BEING AN EXISTING FENCE LINE; THENCE NORTH 66°58'15" WEST 50.12 FEET ALONG SAID FENCE LINE TO THE NEW WEST RIGHT-OF-WAY LINE OF 1100 WEST STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) IN A NORTHERLY DIRECTION TO THE LEFT OF A NON-TANGENT 947.00 FOOT RADIUS CURVE, A DISTANCE OF 455.46 FEET, CHORD BEARS NORTH 15°06'30" EAST 451.09 FEET, HAVING A CENTRAL ANGLE OF 27°33'24"; AND (2) NORTH 01°19'49" EAST 1023.00 FEET TO GRANTORS NORTH BOUNDARY LINE; THENCE SOUTH 89°06'36" EAST 53.00 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING. CONTAINING 118,935 SQUARE FEET OR 2.730 ACRES.

TOGETHER WITH AND INCLUDING A 10.00 FOOT WIDE SLOPE EASEMENT BEING 10.00 FEET LEFT OF THE FOLLOWING DESCRIBED ALIGNMENT:

BEGINNING AT A POINT ON THE NEW EAST RIGHT-OF-WAY LINE OF 1100 WEST STREET LOCATED 435.59 FEET NORTH 01°19'49" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AND 53.01 FEET SOUTH 88°21'12" EAST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 26 AS ESTABLISHED BY CORNERSTONE SURVEYING IN 2001;

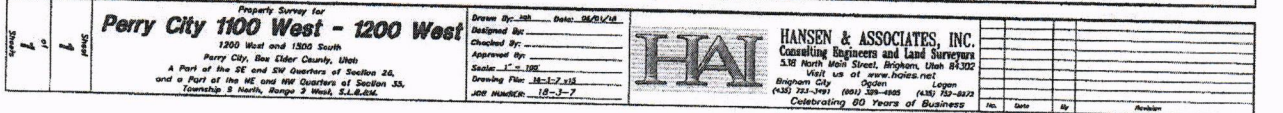
RUNNING THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) SOUTH 01°19'49" WEST 403.17 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 1053.00 FOOT RADIUS CURVE, A DISTANCE OF 274.53 FEET, CHORD BEARS SOUTH 08°47'56" WEST 273.76 FEET, HAVING A CENTRAL ANGLE OF 14°56'16" TO THE TERMINUS OF THIS EASEMENT;

ALSO TOGETHER WITH AND INCLUDING A 10.00 FOOT WIDE SLOPE EASEMENT BEING 10.00 FEET RIGHT OF THE FOLLOWING DESCRIBED ALIGNMENT:

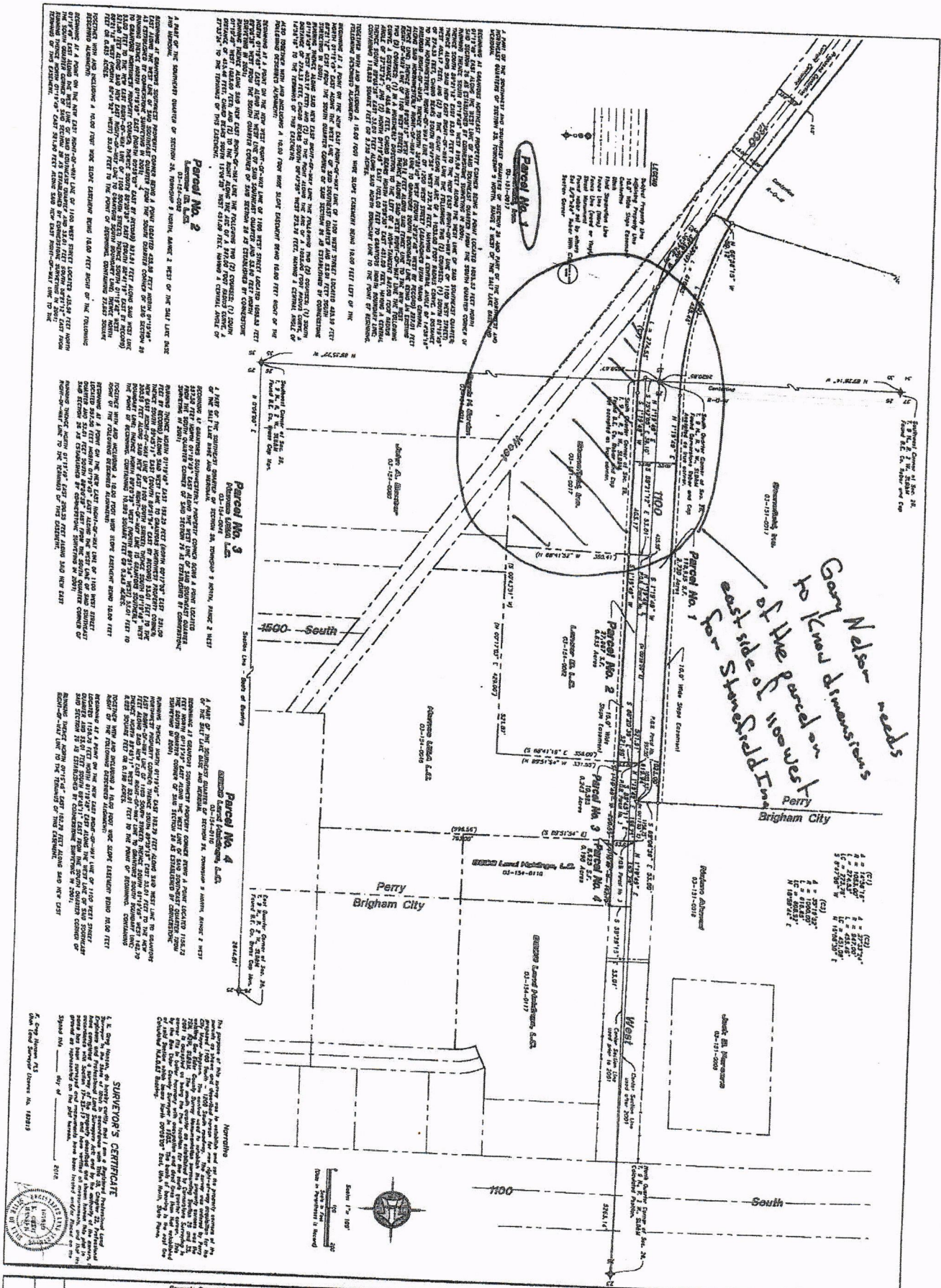
BEGINNING AT A POINT ON THE NEW WEST RIGHT-OF-WAY LINE OF 1100 WEST STREET LOCATED 1055.53 FEET NORTH 01°19'49" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AND 53.00 FEET NORTH 89°06'36" WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 26 AS ESTABLISHED BY CORNERSTONE SURVEYING IN 2001;

RUNNING THENCE ALONG SAID NEW WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) SOUTH 01°19'49" WEST 1023.00 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 947.00 FOOT RADIUS CURVE, A DISTANCE OF 455.46 FEET, CHORD BEARS SOUTH 15°06'30" WEST 451.09 FEET, HAVING A CENTRAL ANGLE OF 27°33'24" TO THE TERMINUS OF THE EASEMENT.









**Property Survey for**  
**Perry City 1100 West - 1200 West**  
 1200 West and 1200 South  
 Perry City, Salt Lake County, Utah  
 A Part of the SE and SW Quarters of Section 26,  
 and a Part of the NE and NW Quarters of Section 35,  
 Township 4 North, Range 7 West, S.1-R.2M.

**Drawn By:** JH  
**Checked By:** JH  
**Approved By:** JH  
**Drawing File:** 18-1-115  
**Job Number:** 18-1-115

**HANSEN & ASSOCIATES, INC.**  
 Consulting Engineers and Land Surveyors  
 538 North Main Street, Provo, Utah 84601  
 Visit us at [www.hanseninc.com](http://www.hanseninc.com)  
 Provo, Utah  
 (801) 733-0000 (801) 733-0001 (801) 733-0002  
 Celebrating 80 Years of Business

**SURVEYOR'S CERTIFICATE**  
 I, Gary Nelson, do hereby certify that I am a Registered Professional Engineer and Professional Land Surveyor in the State of Utah, License No. 12345, and that I am the duly qualified and authorized person to perform the survey shown on this map. I am not aware of any other persons who have been involved in the survey shown on this map.

**2008**  
 Gary Nelson  
 12345  
 12345



## AGENCY AND FEE DISCLOSURE

This document is a disclosure form and not a contract. Signing this form does not create an agency relationship between the seller and the agent or broker.

Location Located at the Southwest and Southeast Quarters of Section 26 and part of the Northwest and Northeast Quarters of Section 35, Township 9 North, Range 2 West of the SLBM, Perry, Utah 84302

Seller Stone field Inc. (the "Seller")

Buyer: Perry City (the "Buyer")

Agent Representing Buyer: LaMar A. Mabey of LaMar A. Mabey & Associates, Inc.. (the "Agent" and "Brokerage")

Utah Real Estate Administrative Rule 162-6.2.9, states that any fees received by a real estate licensee in connection to a real estate transaction must be disclosed in writing to all parties. The Agent in this transaction is a contractor to the Buyer. Any commission paid to the Agent for real estate transactions will be paid directly from the buyer to the Brokerage.

Utah Real Estate Administrative Rule 162-6.2.6, requires licensees involved in a real estate transaction to disclose in writing any agency relationships that exist or that do not exist in a transaction. Parties to real estate transactions have rights to agency representation and legal advice. This form explains various agency relationships that may exist in a real estate transaction, then the agency relations that exist in this transaction.

### BUYER'S AGENT

A real estate agent who represents the buyer only, has fiduciary duties of loyalty, obedience, full disclosure, confidentiality, reasonable care and diligence to that buyer. A buyer hires a Buyer's Agent to locate and appropriate property and negotiate a transaction on the buyer's behalf. Even though the Buyer's Agent has these fiduciary duties to the buyer, the Buyer's agent is, by law, responsible to all potential sellers to treat them with honesty, fair dealing and with good faith.

### SELLER'S AGENT

A real estate agent who represents the seller only, has fiduciary duties of loyalty, obedience, full disclosure, confidentiality, reasonable care and diligence to that seller. A Seller's agent lists a seller's property to locate an appropriate buyer and negotiate a transaction on the seller's behalf. Even though the Seller's Agent has these fiduciary duties to the seller, the Seller's Agent is, by law, responsible to all potential buyers to treat them with honesty, fair dealing and with good faith.

### AGENT OF BOTH BUYER AND SELLER (Limited Agent)

A real estate agent can, with the prior written consent of the buyer and seller, represent both the buyer and seller in the same transaction as a "Limited Agent". A Limited Agent has fiduciary duties to both the buyer and the seller, but the Limited Agent is also "limited" by an additional duty of neutrality in the negotiations between the buyer and seller.

### CONFIRMATION OF AGENCY IN THIS TRANSACTION

The buyer listed above is presently represented by the Agent and Company. BY SIGNING THIS AGENCY DISCLOSURE THE SELLER ACKNOWLEDGES AND AGREES THAT THE AGENT AND THE COMPANY WILL ONLY REPRESENT THE BUYER IN THIS TRANSACTION AS A BUYER'S AGENT.

### ACKNOWLEDGEMENT

Seller's acknowledge they understand and agree with the agency relationships and Agent fee structure confirmed herein, and acknowledge receipt of a copy of this Agency Disclosure.

[Signature]  
Seller's Signature

SEP. 11/18/18  
(Date)

X  
Seller's Signature

(Date)

[Signature]  
Authorized Agent of Brokerage

(Date)

**FEE DISCLOSURE**  
**ADDENDUM TO THE UTAH DEPARTMENT OF TRANSPORTATION ACQUISITION AGENT**  
**AGENCY AGREEMENT**

This document is a disclosure form and not a contract

Buyer: Perry City (the City)

Agent Representing Buyer LaMar A. Mabey of LaMar A. Mabey & Associates, Inc.. (the Agent and the Brokerage)

This addendum to the acquisition agent agreement is created in response to Utah Real estate Administrative Rule 162-6.2.9. Disclosure of Fees. If a real estate licensee who is acting as an agent in a transaction will receive any type of fee in connection with a real estate transaction in addition to a real estate commission, that fee must be disclosed in writing to all parties to the transaction.

**BROKERAGE AGREEMENTS**

According to Utah Real Estate Rules and Regulations, all real estate licensees must hold their license with a broker. The agent's license is currently with LaMar A. Mabey of LaMar A. Mabey & Associates, Inc.. Therefore, all commissions for real estate transactions must be paid directly to the agent's Brokerage, LaMar A. Mabey & Associates, Inc.. Any fees received by a real estate transaction must be disclosed in writing to all parties. Any commission paid to the Agent for real estate transactions will be paid directly from the buyer to the Brokerage as per the buyer broker agreement.

**CONFIRMATION OF AGENCY IN THIS TRANSACTION**

The buyer listed above is presently represented by the Agent and Company. BY SIGNING THIS AGENCY DISCLOSURE, THE SELLER ACKNOWLEDGES AND AGREES THAT THE AGENT AND THE COMPANY WILL ONLY REPRESENT THE BUYER IN THIS TRANSACTION AS A BUYER'S AGENT.

**ACKNOWLEDGEMENT**

Sellers acknowledge they understand and agree with the agency relationships confirmed herein, and acknowledge receipt of a copy of this Agency Disclosure.

x [Signature] PREP. 11/20/18 x  
Seller Signature (Date) Seller Signature (Date)

[Signature]  
Authorized Agent of Brokerage





COMMONWEALTH LAND TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

File No.: 18-024642

1. Effective Date: February 1, 2019 at 12:00 AM

2. Policy or Policies to be issued:

Amount

- (a) Owner's Policy (ALTA Owners Policy (02/03/10))  
Proposed Insured: **PERRY CITY CORPORATION**

**\$240,000.00**

Premium: **\$1,293.00**

Endorsements to be issued:

3. The estate or interest in the land described or referred to in this Commitment is:

Fee Simple.

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

STONEFIELD, INC., a Nevada corporation

5. The land referred to in the Commitment is described as follows:

SEE EXHIBIT ATTACHED HERETO

For Identification Purposes Only: , Perry, UT 84302

Founders Title Company  
748 W. Heritage Park Blvd, #202  
Layton, Utah 84041

Ronald K. Thompson, Sr. Title Officer



By:

ATTENT

President

Secretary

# COMMONWEALTH LAND TITLE INSURANCE COMPANY

## ALTA 2006 Commitment

### SCHEDULE B

File No.: 18-024642

The following requirements must be met:

1. Pay the full consideration to, or for the account of, the grantors or mortgagors.
2. Pay all taxes, charges and assessments levied and assessed against the subject premises, which are due and payable.
3. Satisfactory documentation evidencing that improvements and/or repairs or alterations thereto are completed, that contractor, sub-contractor, labor and materialmen are all paid, and have released of record all liens or notice of intent to perfect a lien for labor or material.
4. Pay all premiums, fees and charges for this report, and any policy issued hereunder.
5. Provide the Company, in writing, with instructions as to the full nature of the transaction, including but not limited to: Names of any party not referred to in this Commitment who will receive an interest in the Land, or who will be named as a proposed insured (Owner and/or Lender) and amounts (Owners and/or Lenders) of policies to be issued. Additional requirements or exceptions may then be made.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

# COMMONWEALTH LAND TITLE INSURANCE COMPANY

## ALTA 2006 Commitment

### SCHEDULE B - SECTION II EXCEPTIONS

File No.: 18-024642

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency, which may result in taxes or assessments, or notices of proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the Public Records.
8. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.  
  
Exception Numbers 1 through 8 will not appear in any Extended Coverage Mortgage Policy to be issued hereunder.
9. Taxes for the year 2019 are now a lien, but not yet due. Tax ID No. 03-151-0017. (2018 taxes were paid in the amount of \$39.33)
10. Said property is included within the boundaries of Box Elder County 157, and is subject to the charges and assessments thereof.
11. The terms and provisions of the Farmland Assessment Act of 1969" in Title 59 Chapter 2, Part 5 of the Utah Code, and amendments thereof, disclosed by that certain Application for Taxation of Agricultural Land, recorded December 6, 2010, as Entry No. 297515, in Book 1144, at Page 997, of Official Records, which, in part, provides for the right of Box Elder County to reassess said property for previous years and the collection of additional taxes resulting from any such reassessment.
12. Water rights, claims or title to water, whether or not the matters are shown by the Public Records.

COMMONWEALTH LAND TITLE INSURANCE COMPANY



## SCHEDULE B

(Continued)

13. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
14. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: October 23, 1929  
Entry No.: 22504f  
Book/Page: P of Misc./433
15. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: October 23, 1929  
Entry No.: 22505f  
Book/Page: P of Misc./433
16. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: October 23, 1929  
Entry No.: 22509f  
Book/Page: P of Misc./435
17. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: October 23, 1929  
Entry No.: 22511f  
Book/Page: P of Misc./436
18. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: October 23, 1929  
Entry No.: 22515f  
Book/Page: P of Misc./438
19. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: October 23, 1929  
Entry No.: 22516f  
Book/Page: P of Misc./439
20. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: April 12, 1930  
Entry No.: 24293f  
Book/Page: Q of Misc./106

### COMMONWEALTH LAND TITLE INSURANCE COMPANY

## **SCHEDULE B**

(Continued)

21. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: April 12, 1930  
Entry No.: 24294f  
Book/Page: Q of Misc./107
22. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: April 12, 1930  
Entry No.: 24295f  
Book/Page: Q of Misc./108
23. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: April 12, 1930  
Entry No.: 24296f  
Book/Page: Q of Misc./109
24. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: April 12, 1930  
Entry No.: 24297f  
Book/Page: Q of Misc./110
25. EASEMENT AND CONDITIONS CONTAINED THEREIN:  
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING  
Recorded: April 12, 1930  
Entry No.: 24298f  
Book/Page: Q of Misc./111
26. Right of Way disclosed by that certain Warranty Deed recorded December 31, 1986 as Entry No. 6023 in Book 431 at Page 545 of Official Records.
27. BOUNDARY LINE AGREEMENT and the terms, conditions and limitations contained therein:  
Recorded: April 15, 2008  
Entry No.: 261931  
Book/Page: 1047/1224
28. GRANT OF ACCESS (CONTROLLED ACCESS) and the terms, conditions and limitations contained therein:  
Recorded: May 23, 2016  
Entry No.: 357974  
Book/Page: 1279/70
29. GRANT OF ACCESS (CONTROLLED ACCESS) (CORPORATION) and the terms, conditions and limitations contained therein:  
Recorded: May 23, 2016

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### **COMMONWEALTH LAND TITLE INSURANCE COMPANY**



## SCHEDULE B

(Continued)

Entry No.: 357975

Book/Page: 1279/72

- 30. Any matters that might be disclosed by an accurate survey of said premises.
- 31. Rights of tenants as tenants only.
- 32. Rights or claims of parties in possession.
- 33. NOTE: No existing Deed of Trust appears of record. If this information is not correct, please notify the Company as soon as possible to provide information regarding the existing loan.

\*\*\*\*\*

The policy to be issued contains an arbitration clause. Any matter in dispute between you and the Company may be subject to arbitration as an alternative to court action. Upon request, the company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction. Any decision reached by arbitration shall be binding upon both you and the Company. The arbitration award may include attorney's fees, if allowed by state law, and may be entered as a judgment in any court of proper jurisdiction.

NOTE: Judgments were checked as to STONEFIELD, INC., a Nevada corporation and no unsatisfied judgments were found.

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

**ALTA 2006 Commitment**

**EXHIBIT A**

File No.: 18-024642

The Land referred to herein below is situated in the County of Box Elder, State of Utah, and is described as follows:

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 26 AND PART OF THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT GRANTORS NORTHEAST PROPERTY CORNER BEING A POINT LOCATED 1055.53 FEET NORTH 01°19'49" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER FROM THE SOUTH QUARTER CORNER OF SAID SECTION 26 AS ESTABLISHED BY CORNERSTONE SURVEYING IN 2001; RUNNING THENCE SOUTH 01°19'49" WEST 619.94 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°21'12" EAST 53.01 FEET TO THE NEW EAST RIGHT-OF-WAY LINE OF 1100 WEST STREET; THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) SOUTH 01°19'49" WEST 403.17 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 1053.00 FOOT RADIUS CURVE, A DISTANCE OF 274.53 FEET, CHORD BEARS SOUTH 08°47'56" WEST 273.76 FEET, HAVING A CENTRAL ANGLE OF 14°56'16" TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF 1200 WEST STREET (ABANDONED UTAH IDAHO CENTRAL RAILROAD RIGHT-OF-WAY); THENCE SOUTH 36°39'40" WEST (SOUTH 36°27'48" WEST BY RECORD) 227.01 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE TO GRANTORS SOUTH BOUNDARY LINE BEING AN EXISTING FENCE LINE; THENCE NORTH 66°58'15" WEST 50.12 FEET ALONG SAID FENCE LINE TO THE NEW WEST RIGHT-OF-WAY LINE OF 1100 WEST STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) IN A NORTHERLY DIRECTION TO THE LEFT OF A NON-TANGENT 947.00 FOOT RADIUS CURVE, A DISTANCE OF 455.46 FEET, CHORD BEARS NORTH 15°06'30" EAST 451.09 FEET, HAVING A CENTRAL ANGLE OF 27°33'24"; AND (2) NORTH 01°19'49" EAST 1023.00 FEET TO GRANTORS NORTH BOUNDARY LINE; THENCE SOUTH 89°06'36" EAST 53.00 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING.

TOGETHER WITH AND INCLUDING A 10.00 FOOT WIDE SLOPE EASEMENT BEING 10.00 FEET LEFT OF THE FOLLOWING DESCRIBED ALIGNMENT:

BEGINNING AT A POINT ON THE NEW EAST RIGHT-OF-WAY LINE OF 1100 WEST STREET LOCATED 435.59 FEET NORTH 01°19'49" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AND 53.01 FEET SOUTH 88°21'12" EAST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 26 AS ESTABLISHED BY CORNERSTONE SURVEYING IN 2001; RUNNING THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) SOUTH 01°19'49" WEST 403.17 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 1053.00 FOOT RADIUS CURVE, A DISTANCE OF 274.53 FEET, CHORD BEARS SOUTH 08°47'56" WEST 273.76 FEET, HAVING A CENTRAL ANGLE OF 14°56'16" TO THE TERMINUS OF THIS EASEMENT;

ALSO, TOGETHER WITH AND INCLUDING A 10.00 FOOT WIDE SLOPE EASEMENT BEING 10.00 FEET RIGHT OF THE FOLLOWING DESCRIBED ALIGNMENT:

BEGINNING AT A POINT ON THE NEW WEST RIGHT-OF-WAY LINE OF 1100 WEST STREET LOCATED 1055.53 FEET NORTH 01°19'49" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AND 53.00 FEET NORTH 89°06'36" WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 26 AS ESTABLISHED BY CORNERSTONE SURVEYING IN 2001; RUNNING THENCE ALONG SAID NEW EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; (1) SOUTH 01°19'49" WEST 1023.00 FEET; AND (2) TO THE RIGHT ALONG THE ARC OF A 947.00 FOOT RADIUS CURVE, A DISTANCE OF 455.46 FEET, CHORD BEARS SOUTH 15°06'30" WEST 451.09 FEET, HAVING A CENTRAL ANGLE OF 27°33'24" TO THE TERMINUS OF THE EASEMENT.

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

**EXHIBIT A**  
(Continued)

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

NOTICE IS HEREBY GIVEN that the Perry City Police Department will dispose of a number of items acquired during its regular course of business. This includes evidence, property held for safekeeping purposes and property found, but not yet claimed. The legal owners of these items are either unknown, or have failed to respond to all attempts to contact them. If you are the rightful owner of an item held by Perry PD, contact our Office at 435-723-6461. Proof of ownership, as well as verification of eligibility to possess the unclaimed property, will be required prior to the return of any items. Property not claimed within 15 days after the final publication of this notice will be disposed of pursuant to state law. Dated February 06, 2019

Property being held: Clothing, Bicycles, Lawn Mower, Miscellaneous personal items, and more.

This notice was posted on February 6, 2019 at the Perry City Hal, on the Perry City Website, and on the State of Utah Public Meeting Notice Website.



**OFFICIALS PRESENT:** Mayor Kevin Jeppsen presided and conducted the meeting. Andrew Watkins, Nathan Tueller, and Toby Wright.

**OFFICIALS EXCUSED:** Esther Montgomery and James Taylor

**CITY STAFF PRESENT:** Shanna Johnson, Chief Deputy Recorder  
Robert Barnhill, City Planner  
Scott Hancey, Chief of Police  
David Freeze, Police Sergeant  
Susan Obray, City Recorder  
James Dunkelberger

**OTHERS PRESENT:** Nicole Butler, Joshua Julander, Koryann Freeze, Cory Bennion, Chuck Palmer, and David Rogers

**ITEM 1: CALL TO ORDER**

Mayor Jeppsen called the City Council meeting to order.

**A. INVOCATION**

Mayor Jeppsen offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

Robert Barnhill led the audience in the Pledge of Allegiance.

**C. REVIEW AND ADOPT THE AGENDA**

**MOTION:** Council Member Wright made a motion to approve the agenda. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes  
Council Member Watkins, Yes

**Motion Approved.** 3 Yes, 0 No.

**ITEM 2: PROCEDURAL ISSUES**

**A. CONFLICT OF INTEREST DECLARATION**

None.

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

Shanna Johnson passed out the warrants.

**C. BUSINESS LICENSE(S)**

- **Julander Investments**

Robert Barnhill reviewed this application and stated it is a home based business with no visiting clientele. He explained Planning Commission has recommended this application for approval.

- **All Seasons Health Services Company**

Robert Barnhill reviewed this application and stated this company is taking over an existing business (Beehive Homes)

**MOTION:** Council Member Tueller made a motion to approve the Business License for Julander Investments and All Seasons Health Services Company. Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes Council Member Watkins, Yes

**Motion Approved.** 3 Yes, 0 No.

#### **D. APPOINTMENTS –**

- **Box Elder County Mosquito Abatement Board**

Mayor Jeppsen requested the appointment of Cory Bennion to the Box Elder County Mosquito Abatement Board.

**MOTION:** Council Member Wright made a motion to accept the appointment of Cory Bennion to the Box Elder County Mosquito Abatement Board. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes Council Member Watkins, Yes

**Motion Approved.** 3 Yes, 0 No.

- **Perry Flood Control Board**  
Tabled.

#### **ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

##### **A. PUBLIC HEARING REGARDING RESOLUTION 19-01 DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF 0.57 ACRES AT APPROXIMATELY 2450 S 972 W IN PERRY.**

No public comment received.

##### **B. PUBLIC COMMENTS**

Chief Hancey announced the new selection of David Freeze as Perry City's new Police Sergeant.

#### **ITEM 4: PRESENTATIONS:**

##### **A. FISCAL YEAR 2018 FINANCIAL STATEMENT AND AUDIT REPORT**

City Accountant David Rogers of Davis and Bott presented the Fiscal Year 2018 Audited Financial Statement stating that Perry City's finances are in good order. The City's net position increased by \$836,603 or 4.7% from the prior year, and long term debt decreased by 7.5%.

City Auditor Chuck Palmer of Christensen, Palmer & Ambrose, PC reviewed the Fiscal Year 2018 Audit Report stating that there were no instances of noncompliance in regards to internal controls and that the City complied in all material respects with general compliance requirements identified by the state. He noted that Shanna Johnson and the City staff were very helpful in providing information for the audit and said that all submitted financial documents have been found to be correct.

The auditor stated there was one finding of which the City's General Fund Balance exceeded (the

maximum allowed) 25% of the total revenue for the year and recommended additional transfers to the capital project and fleet funds in order to address this finding. Shanna Johnson clarified that the General Fund balance at the end of Fiscal Year 2018 was at 28%.

#### **B. BCI AUDIT REPORT**

Susan Obray reviewed with the Council the BCI Audit report which takes place every three years. She stated there were a few minor items which the City was out of compliance with which have been corrected. She said she received a letter back stating that the incorporated corrections have been accepted by the BCI and that the City is now in compliance.

### **ITEM 5: ACTION ITEMS**

#### **A. APPROVAL OF THE WARRANTS**

The Council and Staff discussed and clarified the current warrants.

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

**ROLL CALL:** Council Member Tueller, Yes Council Member Watkins, Yes  
Council Member Wright, Yes

**Motion Approved.** 3 Yes, 0 No

#### **B. MOTION TO ACCEPT THE FISCAL YEAR 2018 FINANCIAL STATEMENT AND AUDIT REPORT**

**MOTION:** Council Member Wright made a motion to approve the Fiscal Year 2018 Financial Statement and Audit Report. Council Member Watkins seconded the motion.

**ROLL CALL:** Council Member Tueller, Yes Council Member Watkins, Yes  
Council Member Wright, Yes

**Motion Approved.** 3 Yes, 0 No

#### **C. RESOLUTION 19-01 DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF 0.57 ACRES AT APPROXIMATELY 2450 S972 W IN PERRY**

Tabled.

#### **D. FINAL APPROVAL OF ZONE CHANGE FOR LOTS 12,13 AND 14 IN WASATCH HILLS SUBDIVISION PHASE 2**

Robert Barnhill reviewed the application for this zone change of lot's 12, 13, and 14 in the Wasatch Hills Subdivision Phase 2. He expounded the zone change is to make all the lot's an R1 zone, some of which are currently zoned commercial. He said that Planning Commission has recommended this application for approval.

The Council discussed and clarified the zone change noting that many surrounding properties are residential and this will not negatively affect adjacent commercial properties along the highway.

**MOTION:** Council Member Tueller made a motion to approve the Final Approval of the zone change for Lots 12, 13, and 14 in the Wasatch Hills Subdivision Phase 2. Council Member Wright seconded the motion.



**ROLL CALL:** Council Member Tueller, Yes Council Member Watkins, Yes  
Council Member Wright, Yes

**Motion Approved.** 3 Yes, 0 No

## **ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS**

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

- **December 13, 2018 City Council Meeting Minutes**

**MOTION:** Council Member Watkins made a motion to approve the December 13, 2018 City Council Meeting Minutes. Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Wright, Yes Council Member Watkins, Yes  
Council Member Tueller, Yes

**Motion Approved.** 3 Yes, 0 No

### **B. MAYOR'S REPORT**

Mayor Jeppsen stated the meetings he has gone to regarding the Land Exchange the City is negotiating have gone well. He stated things are moving in a positive direction for the Land Exchange.

Mayor Jeppsen stated the City has received an invitation for the Chamber of Commerce Annual Banquet, he stated he would get the Council further details if they would like to attend.

The Council and Staff clarified that this is a funding raising event for the Box Elder Chamber of Commerce and the City plans to participate in the event by purchasing a table and providing gun range passes for the silent auction that will take place that evening. Shanna Johnson stated the Chamber does a lot for the City in terms of economic development, assisting local businesses, and advertising local events. The Council was in support of the City's participation.

### **C. COUNCIL REPORTS**

Council Member Wright stated the concrete pad has been completed out on the Gun Range (for the shed which will be installed in the future).

Council Member Tueller stated the Sewer Board has a meeting this Tuesday and requested assistance from Shanna Johnson to put together some budget data for the meeting.

Council Member Watkins reported that Cache Valley Electric Company is in the process of installing the new Perry City Welcome Sign on the South entrance to the city.

### **D. STAFF COMMENTS**

Robert Barnhill reported that an Architect has been chosen to draft a conceptual plan for a new building and on January 22<sup>nd</sup>, they will be interviewing the Staff regarding their needs.

Chief Scott Hancey stated that the Police Department is currently working on cleaning up their evidence room and updating procedures regarding evidence in the future.

### **E. PLANNING COMMISSION REPORT**

Commissioner Nicole Butler reviewed the goals for the year of the Planning Commission with the Council.

## **ITEM 7: EXECUTIVE SESSION**

**MOTION:** Council Member Tueller made a motion to close the regular meeting and open the Executive Session regarding purchase, exchange, lease or sale of real property. Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes Council Member Watkins, Yes

**Motion Approved.** 3 Yes, 0 No

**The Regular Meeting Closed at 8:02 PM.**

**MOTION:** Council Member Wright made a motion to close the Executive Session and reopen the regular meeting. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes Council Member Watkins, Yes

**Motion Approved.** 3 Yes, 0 No

**The Regular Meeting Reopened at 8:41 PM**

The Council reviewed the pictures of the concrete pad on the Gun Range.

**ITEM 8: ADJOURNMENT**

**MOTION:** Council Member Wright made a motion to adjourn the City Council Meeting.

**Motion Approved.** All Council Members were in favor.

The meeting adjourned at 8:44 PM.

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Susan O Bray, City Recorder

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Kevin Jepps, Mayor

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Shanna Johnson, Chief Deputy Recorder

**OFFICIALS PRESENT:** Mayor Kevin Jeppsen presided and conducted the meeting. Andrew Watkins, Nathan Tueller, Esther Montgomery, James Taylor and Toby Wright.

**CITY STAFF PRESENT:** Shanna Johnson, Chief Deputy Recorder  
Robert Barnhill, City Planner  
Craig Hall, City Attorney  
Scott Hancey, Chief of Police

**OTHERS PRESENT:** Todd Meyers, Paul Heywood, Holly Robb, Michelle Drago, Carson Hansen, Cameron Hansen, Klay Reeder, Carl Galbraith, Jacob Whitaker, Jackson Burnell, Ryan Firth, David Ahlstrom, and Wayndon Veater

**ITEM 1: CALL TO ORDER**

Mayor Jeppsen called the City Council meeting to order.

**A. INVOCATION**

Council Member Taylor offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

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

Mayor Jeppsen recognized the Scout in attendance.

**C. REVIEW AND ADOPT THE AGENDA**

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

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

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

**ITEM 2: PROCEDURAL ISSUES**

**A. CONFLICT OF INTEREST DECLARATION**

None.

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

Shanna Johnson passed out the warrants.

**C. BUSINESS LICENSE(S)**

- **Empathic Care Counseling LLC**

Robert Barnhill reviewed this application for a business license. He stated this is a home based business and will have no visiting clientele at their home.

- **Copperside Electric LLC**

Robert Barnhill reviewed this application for a business license. He stated this is a home based business and will have no visiting clientele at their home.

**MOTION:** Council Member Taylor made a motion to approve the Business License for Empathic Care Counseling LLC and Copperville Electric LLC. Council Member Tueller seconded the motion.

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

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

- **Maverik Gas Station at Pointe Perry**

Robert (Bob) Barnhill reviewed the business license application for a Maverik fuel center to be located in the Pointe Perry commercial zone (in the building formerly operated as LW's Truck Stop). He stated they applied using the new online process, which sends the application to pertinent agencies for review and approval. He advised that approval had not yet been obtained from the Health Department, but stated the council could grant approval of the license contingent upon obtaining that approval. Bob then reviewed at greater length the requests of the applicant, including signage size and height adjustments. The Council questioned if there were restrictions in regards to the request. Mr. Barnhill said he is currently reviewing CCRs (code, covenants, and restrictions) for the development and would report his findings. Bob then turned the time over to the applicant.

Holly Robb stated she is a representative for Maverik; she introduced her two fellow coworkers/representatives Todd Meyers and Paul Heywood. She expressed their excitement to begin this project and stated that they would be retaining all the LW Miller Employee's. She stated they are looking to be certified to sell liquor. She reviewed their trainings and policies for selling tobacco and liquor.

Paul Heywood reviewed the adjustments being made to building and floor plan. He reiterated his excitement for this project.

The Council and Mr. Heywood reviewed the planned adjustments for the floor plan, and discussed how long these changes would take. Mr. Heywood stated they were estimating 2 months for the interior renovations to be completed.

Todd Meyers expressed his gratitude for Perry City Staff and how incredible they have been through this process. He expounded on their desire to have their sign be larger for advertisement purposes.

**MOTION:** Council Member Taylor made a motion to approve the Business License for Maverik Gas Station at Pointe Perry with contingencies on approval from the Health Department. Council Member Wright seconded the motion.

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

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

#### **D. APPOINTMENTS –**

111  
112       • **Perry Flood Control Board**

113       Mayor Jeppsen presented the appointment of Paul Nelson to the Perry City Flood  
114       Control Board and requested the Council's support of this appointment.  
115

116  
117 **MOTION:** Council Member Wright made a motion to accept the appointment of Paul Nelson to the  
118 Perry City Flood Control Board. Council Member Montgomery seconded the motion.  
119

120 **ROLL CALL:**   Council Member Wright, Yes                   Council Member Taylor, Yes  
121                   Council Member Tueller, Yes                   Council Member Watkins, Yes  
122                   Council Member Montgomery, Yes  
123

124                   **Motion Approved.** 5 Yes, 0 No.  
125

126 Mayor Jeppsen recognized additional Scouts that had entered the meeting.  
127

128 **ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT**  
129

130 **A. PUBLIC HEARING REGARDING RESOLUTION 19-02 DECLARING APPROXIMATELY 2.25**  
131 **ACRES OF PARCEL #031550056 AS SURPLUS PROPERTY AND AUTHORIZING THE**  
132 **MAYOR TO EXECUTE A LAND EXCHANGE AGREEMENT WITH SITLA**

133 Craig Hall explained that the City has been working for a few months on this Land Exchange  
134 to enhance the Three Mile Creek Gun Range. He stated if the Council approves this tonight  
135 they will be able to effectuate that trade with SITLA.  
136

137 No public comment received.  
138

139 **PUBLIC COMMENTS**

140 No public comment received.  
141

142 **ITEM 4: ACTION ITEMS**  
143

144 **A. APPROVAL OF THE WARRANTS**

145 The Council and Staff discussed and clarified the current warrants.  
146

147 **MOTION:** Council Member Taylor made a motion to approve the warrants with additions  
148 discussed regarding the Police Department. Council Member Tueller seconded the motion.  
149

150 **ROLL CALL:**   Council Member Tueller, Yes                   Council Member Watkins, Yes  
151                   Council Member Wright, Yes                   Council Member Taylor, Yes  
152                   Council Member Montgomery, Yes  
153

154                   **Motion Approved.** 5 Yes, 0 No  
155

156 **B. RESOLUTION 19-01 DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE**  
157 **OF .57 ACRES AT APPROXIMATELY 2450 S 972 W IN PERRY**

158 Craig Hall stated that the City was approached by Brandon Hansen to purchase this City  
159 owned property. He stated the sale does not include the water rights that are attached to  
160 this property.  
161

162 **MOTION:** Council Member Wright made a motion to approve Resolution 19-01 declaring surplus  
163 property and authorizing the sale of .57 acres. Council Member Tueller seconded the motion.  
164

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

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

**C. RESOLUTION 19-02 DECLARING APPROXIMATELY 2.25 ACRES OF PARCEL #031550056 AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE A LAND EXCHANGE AGREEMENT WITH SITLA**

Council Member Taylor inquired if the Mayor was happy with the terms of this Land Exchange.

Mayor Jeppsen affirmed he was.

**MOTION:** Council Member Tueller made a motion to approve Resolution 19-02. Council Member Wright seconded the motion.

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

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

**D. MOTION ADDRESSING A RATE INCREASE FROM ANYTIME FITNESS, PART OF THE CITY EMPLOYEE WELLNESS PROGRAM**

Shanna Johnson stated that the City has an agreement with Anytime Fitness to allow for a membership discount for City Employees. She stated Anytime Fitness has increased their rates therefore the City needs to decide if they are going to keep the portion the City pays towards the discount the same, at \$10, or raise it to \$20 so that the City Employee's pay the same for their membership.

The Council agreed to cover the full rate increase.

**MOTION:** Council Member Taylor made a motion to approve the City covering the rate increase (of \$20) from Anytime Fitness. Council Member Watkins seconded the motion.

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

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

**ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS**

**A. APPROVAL OF CONSENT ITEMS**

- **January 10, 2019 City Council Meeting Minutes**  
Tabled.

**B. MAYOR'S REPORT**

Mayor Jeppsen reported that the Police Department is currently interviewing for two new police officers to replace officers who have moved or are moving to different cities.

218 Mayor Jeppsen discussed further his thoughts on the SITLA Land Exchange and his goals in  
219 regards to the land moving forward.  
220

#### 221 **C. COUNCIL REPORTS**

222 Council Member Montgomery stated the landfill vouchers are ready to be utilized by the public.  
223 She encouraged everyone to remind their neighbors they can apply online for these vouchers.  
224

225 Robert Barnhill stated that people can also come and get them at the City Offices.  
226

227 Mayor Jeppsen stated they are still working with Brigham City for a Green Waste Disposal deal.  
228

229 David Ahlstrom stated he was not happy with the maintenance of property across from him  
230 (being sold to Brandon Hansen) when the City owned the property and inquired if this property  
231 would be better maintained now that it is going to be privately owned. The council indicated  
232 that the property would need to comply with city code.  
233

234 Council Member Tueller updated the Council on the current planning of projects and budget of  
235 the Sewer Board for 2019 (especially in regards to monitoring business sewage use).  
236

#### 237 **D. STAFF COMMENTS**

238 Chief Scott Hancey reviewed the process of hiring two new officers. He stated they have offered  
239 to one candidate who accepted, and were expecting a response to another offer tomorrow. He  
240 stated each officer is a veteran officer with around 5 years of experience. He discussed budget  
241 adjustments, which will need to take place next year because of hiring these two veteran  
242 officers.  
243

244 Council Member Watkins asked how many officers the City has and if the current number of  
245 officers was necessary. Chief Hancey advised with Perry's current population the Police  
246 Department needs at least seven officers to have coverage 24 hours a day, 7 days a week. He  
247 explained having more than seven is much better for coverage and morale.  
248

249 Shanna Johnson agreed that the Police Department needs seven officers in order to allow for  
250 time off and still provide coverage.  
251

252 Robert Barnhill reminded that it is almost time to plan for the 4<sup>th</sup> of July Celebration.  
253

254 Council Member Tueller advised putting together recommendations for a citizen to chair the 4<sup>th</sup>  
255 of July Celebration committee.  
256

257 Shanna Johnson reminded the Council that it is almost time to start planning the Fiscal Year  
258 2019-2020 Budget and stated that budget work session would begin in March.  
259

260 The Council and Staff discussed the manner in which they would like to approach the City  
261 Budget Sessions this year.  
262

263 Craig Hall stated the State Legislature is starting up and recommended the Mayor and Council  
264 Member Tueller start attending the Legislative Policy Committee meeting when possible. He  
265 reviewed the proposed bills which will directly affect Perry City.  
266

#### 267 **E. PLANNING COMMISSION REPORT**

268 Commissioner Michelle Drago stated the Commission had no new items to make the Council  
269 aware of, other than they need more Planning Commission Members.  
270

#### 271 **ITEM 7: EXECUTIVE SESSION**



None Required.

**ITEM 8: ADJOURNMENT**

**MOTION:** Council Member Wright made a motion to adjourn the City Council Meeting.

**Motion Approved.** All Council Members were in favor.

The meeting adjourned at 8:18 PM.

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Susan Obray, City Recorder

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Kevin Jeppsen, Mayor

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Shanna Johnson, Chief Deputy Recorder