

**MINUTES OF PERRY CITY COUNCIL MEETING**  
**MEETING HELD AT 3005 S 1200 W IN PERRY**  
**JANUARY 8, 2015 AT 7:00PM**

The Perry City Council meeting convened in regular session on the 8<sup>th</sup> of January, 2015, in the Perry City Council chambers located at 3005 S 1200 W, meeting commenced at 7:00PM.

Officials Present: Mayor Karen Cronin  
Council Member Todd Christensen  
Council Member Peter Gerlach  
Council Member Esther Montgomery  
Council Member Brady Lewis

Officials Excused: Council Member Jana Nelson

Public Present: Wendy Jensen, Steven Pettingill, D.L. Bunderson, Ajhamae Tueller, Vicki Call, Josh Barker, Lani Braithwaite, Ben Ashcroft, Crystal Martinez, Alyssa Backman, Joshua Mondon, Greg Mondon, Brycen Walker, Casey Taylor, Brett Jones (Jones & Associates), Taylor Roberts, Kenzie Stacey, Taylee Bullard, Taylor Johnson

Deputy City Recorder: Shanna Johnson (Deputy City Recorder/Finance Director)  
City Attorney: Malone Molgard

**ITEM 1: CALL TO ORDER**

Mayor Cronin called the meeting to order.

**A. INVOCATION**

Mayor Cronin offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

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

**C. REVIEW AND ADOPT THE AGENDA**

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

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

**ITEM 2: PROCEDURAL ISSUES**

**A. CONFLICT OF INTEREST DECLARATION**

None.

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

Shanna Johnson passed out the warrants.

**C. BUSINESS LICENSE(S)**

None.

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

Mayor Cronin announced that Perry City will be making a donation to the Box Elder County Search and Rescue in honor of late Sheriff Lynn Yates. His funeral will be Saturday, January 10<sup>th</sup> and Chief Weese will represent Perry City there. Mayor Cronin welcomed the young visitors fulfilling a scout merit badge requirement or AP Government class requirement and presented a Perry City pin to each attendee after they introduced themselves.

**A. COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING**

Mayor Cronin opened the public hearing for the CDBG program. Shanna Johnson stated that this hearing is being called to consider potential projects for which funding may be applied under the 2015 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Bear River Region, in which Perry City is a member, is expecting to receive approximately \$600,000 in this new program year, \$350,000 of which will be available for projects to be rated and ranked. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedure Manual and interested persons can review it at anytime. Shanna Johnson read several of the eligible activities listed including acquisition of real property, construction of public facilities & improvements, asbestos removal, cleanup of contaminated sites, public services – transportation, health services, etc., affordable housing, community infrastructure projects, durable equipment purchases, energy efficiency improvements, and historical preservation. (Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners). Mayor Cronin indicated that in the past Perry City has received a grant for \$100,000 which was used on the recent 900 West Street and infrastructure improvements completed last year. Shanna Johnson advised that based on a recent survey the 900 West area has been identified as an area that would qualify for this grant. It was asked that anyone with questions, comments, or suggestions during the hearing identify themselves by name before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

**MOTION:** Council Member Gerlach made a motion to open the public hearings regarding the Community Development Block Grant (CDBG). Council Member Lewis seconded the motion.

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

Mr. Ben Ashcroft (2275 South 425 West, phone: 435-723-1437) inquired which areas of 900 West are qualified. Council Member Christensen explained that Perry City repaired water lines and sidewalks in the area by the park and the church during the past 2 years with CDBG funds. Shanna explained that the area along 900 West and heading east along 2700 South up to the highway would qualify. Ben Ashcroft asked if a cemetery is a possible project. Shanna Johnson responded that the City could look into this as a possible project and advised the project would have to benefit low-moderate income families.

Mayor Cronin asked if there were any other suggestions.

Mr. Greg Mondon (925 West 2390 South, phone: 435-723-8168), inquired if the grant funds can only be used for street improvements. Mayor Cronin responded that improvements may be used for any projects along the 900 West corridor. Council Member Christensen explained that the improvements in front of Perry Park were paid for partially with CDBG funds. This included the new asphalt, sidewalks, curb and gutter. Mr. Mondon suggested the funds be used northward to continue improving 900 West.

Mayor Cronin asked if there were any other suggestions. No further comments or suggestions were made.

**MOTION:** Council Member Christensen made a motion to close public hearing regarding the Community Development Block Grant (CDBG). Council Member Montgomery seconded the motion.

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

The hearing was adjourned at 7:16pm

**A. PUBLIC COMMENTS**  
No Public Comment received.

**ITEM 4: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

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

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

**B. FINAL APPROVAL FOR TAYLOR’S COVE SUBDIVISION**

Mayor Cronin explained that this matter was brought before the Council earlier but has been changed slightly. The Planning Commission reviewed the changes. Brett Jones (Perry City Engineer) reported that this subdivision was approved several months ago without the phasing and with 1/4 acre lots. He said that the developer, Wendy Jensen has more demand for larger lots and desires changing to 1/3 acre lots. This would widen the frontage, making fewer lots in the subdivision and Brett’s office has no concerns with ordinance infringements. The other change is to the phasing because it was approved earlier as a full subdivision. Brett advised that there are two lots without numbers and Ms. Jensen has corrected that issue. He said that Ms. Jensen desires approval of phase 1 at this time. Brett said he has one concern with the dotted lines for temporary turnarounds made out of road base and there is quite a bit of road with the 3 lots in the final phase (Phase 4). His concern is the financial feasibility of phase 4 since higher cost of road improvements would raise the cost of the last lots. This may hinder the final road improvements being completed. Brett has spoken to applicant, Wendy Jensen, about options such as making slight line shifts in lots. Another option is to escrow in phase 3 dedicating funds to finish the road until Phase 4 is complete. Since there are no problems with Phase 1, he does not oppose the Council’s approval. Council Member Christensen inquired about a road on the plat. Mayor Cronin inquired if the retention basin is adequate for full build out. Brett assured the Council the basin has enough capacity and is in a good location if there was a major storm. Council Member Gerlach asked about the material used in the turn around and if two extra-large lots could be developed. Brett assured him that road base is required in the turn arounds and stated that the developer would have to go through the approval process again for any changes to the development. Brett explained one nice thing about the development is a reservoir is planned east of the canal on the master plan which is higher in elevation than the current reservoir and will ensure better water pressure for property owners on the east bench. He said that his office asked Wendy Jensen to show 12” water main on her plans instead of her required 8” water main. The City could use impact fees for the price difference so that the road would not have to be torn up again in the future for this improvement. This would be a financial benefit for the City since Perry City would only pay for the difference in pipe size. Brett has discussed with Shanna this is an IFFP project. Council Member Christensen asked about the connection location for this line. Brett advised that Valley View Drive will have a 10” pipe with Wendy Jensen and Perry City installing the 12” pipe as each phase is developed. He said it will save Perry citizens about \$125 per foot to cut the pipe. City Engineers will compare the difference in costs after Wendy’s engineer supply a cost estimate. Mayor Cronin asked if people will attempt using the higher road for a short cut. Wendy Jensen was present and mentioned that she has an orchard currently in that area and doubts there will much use because of the level of the ground. She said she believes property owners in that area will be pleased to have the road finished since there is a large dip in the road now. Wendy explained that in the future she plans to shift the lot boundary lines slightly. Brett clarified there will be five lots after the change to lot boundary lines. Mayor Cronin asked that a note be included in the motion regarding the requirement for escrow in phases 3 and 4 for the road.

**MOTION:** Council Member Lewis made a motion to approve Phase 1 of Taylor’s Cove Subdivision with a note that escrow be held in phase 3 and phase 4 for any financial liability related to those phases (including the road). Council Member Montgomery seconded the motion.

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

**C. MOTION TO APPROVE CONDUCTING A BUSINESS LICENSE FEE STUDY**

Mayor Cronin noted that in last meeting they discussed the need for a business license fee study particularly for mid-size businesses. Council Member Christensen inquired if the study would reflect only the mid-size businesses. Mayor Cronin replied that we may find we need to review the fees of other businesses including small businesses, but this study will target mainly mid-size businesses.

**MOTION:** Council Member Christensen made a motion to approve a study to be conducted for mid-size business license fees. Council Member Montgomery seconded the motion.

**ROLL CALL:** Council Member Gerlach, Yes      Council Member Montgomery, Yes  
Council Member Lewis, Abstain      Council Member Christensen, Yes  
**Motion Approved.** 3 Yes, 1 Abstain

## ITEM 5: DISCUSSION ITEMS

### A. CDBG PROJECT DISCUSSION

Mayor Cronin asked if there were any other procedural items that the Mayor and Council would need to be made aware of in regards to the CDBG grant process. Shanna Johnson advised that the if the Mayor and Council decide to move forward in applying for the grant there is a process that must be completed by the end of January. Items that must be completed include:

- Approving the CDBG Threshold and General Policies
- Approval and Submittal of a City Consolidated Capital Projects Plan
- Completion and Submittal of the CDBG Application

Shanna stated that the application process will be easier than the last time the city applied as the income survey has already been completed and is still valid. Shanna asked that the council let City staff know as soon as possible which project they would like to apply for so that the budget and other aspects of the application can be completed in time for submittal.

Shanna stated that the eligible area for funding is the 900 West area. She said that in the past they had broken the street and infrastructure improvements into different phases. She said that the City would need to provide a match for many of the projects, for example the South Phase of the improvements would cost approximately \$450,000 and because the maximum grant award is \$100,000 this would require the City to use approximately 2 years of B&C road funds to fund the completion of the project.

Mayor Cronin said that she discussed possible projects with the department heads. She said that Paul Nelson had concerns with having to dedicate \$250,000 or more to the CDBG project as it would not leave any budget for other road repairs and maintenance.

Mayor Cronin said if we do go South with the project this could be coupled with a water main replacement that is impact fee eligible, which would help with the costs. She said there would be some land acquisition needed for this phase. She said if the City completed the North phase there would be more land acquisition and it would be a more expensive project. Mayor Cronin asked if the project would need to be specified on the application. Shanna said yes. Mayor Cronin asked the Council for some direction on what project they would like to pursue so that City staff can begin completing the application. Council Member Lewis asked if anyone present was opposed to going north. Council Member Christensen said that the north phase is more populated and there is more traffic. Mayor Cronin agreed. She said that the things to consider would be the higher expense and land acquisition. She said that none of this would be covered by impact fees. Council Member Christensen proposed having a 30 minute work session regarding the grant submittal and possible projects preceding the next City Council meeting. Shanna Johnson said that she could start filling out the application and then complete the budget component after the next meeting. Mayor Cronin asked what information the Council would like staff to provide for that meeting. Council Member Christensen said that the council has verbalized some of the pros and cons of each phase. He said he would like to see if this can be narrowed down and bulleted out as well as any costs associated with each phase.

Shanna stated that another thing that the elected officials will want to get organized is who will be working on land acquisition.

Mayor Cronin asked if Brett Jones had any feedback on what project would be best to pursue. Brett said that the North Phase would be a great project the only difficult item would be the land acquisition. He said that the right of way needed will put the road approximately 15 feet away from the current residents front doors. He said that it may be tough to negotiate with the homeowners because of this. He said that the costs will also be a lot higher for this phase. He said that the South Phase makes the most financial sense at this time. Council Member Christensen asked that Brett write a memo including these comments.

Brett said that he does not think that it would be a bad thing to start talking with land owners to the north about the possibility of acquiring land for the project. Mayor Cronin agreed and suggested possibly dividing the north section into two projects, which would shorten the distance, but also reduces the cost. Council Member Christensen asked if Brett Jones would be available tomorrow for a field trip to look at the North Phase and what land would be needed to complete the road. Brett said he was available. Mayor Cronin opened this to all council members and asked that after they have had time to review each Phase that they email their project recommendation for the grant submittal.

Brett Jones asked Shanna Johnson if small changes to the project are allowed after the application has been submitted. Shanna stated she believes that amendments to the project can be submitted for approval.

Mayor Cronin said another project option is the 2700 South Phase (including improvements along 2700 South from 900 West east to the Highway). She said that if she does not hear anything from the Council by Monday she will have the staff focus on the South Phase.

## **B. ORDINANCE 14-L ADOPTING AN ORDINANCE ALLOWING CHICKENS TO BE KEPT ON SINGLE-FAMILY RESIDENTIAL LOTS**

Mayor Cronin announced that we have comparisons of chicken ordinances from 3 different cities: Brigham City, Layton and North Ogden. Mayor Cronin noticed the Brigham City chicken ordinance had more details. Layton and North Ogden kept their chicken ordinance short and limited in scope. Council Member Lewis had questions about the purpose of light weight chicken tractors as opposed to permanent chicken coops. Council Member Montgomery explained there are many types of chicken tractors and most are well built and have tractor wheels on them. Council Member Christensen asked Malone what his legal opinion was on the three different ordinances. Malone said he prefers the Council members review all three ordinances and outline what they like and do not like in each one. Then he will build an Ordinance based on their feedback. Council Member Gerlach said he prefers a chicken permit being required. Malone said he recommends permits so that police officers may revoke a chicken permit if violations persist. Council Member Lewis suggested the Council collaborate on a live document online (i.e. Google Docs). Malone agreed to set up the online document where Council members can make notes. Mayor Cronin stated she noticed our base document has not addressed whether the City will allow slaughter of chickens. She asked that specifications be included requiring that dead birds or rotting eggs are moved within 24 hours. Council Member Lewis stated he did not believe the Planning Commission seriously addressed the slaughter of chickens. Council Member Montgomery said she believes some citizens precisely raise chickens for their meat and eggs, therefore the City should allow slaughter. Malone suggested parameters should be specified in the ordinance if slaughter is allowed to keep the area clean afterward. Malone said he believes the City will have fewer problems enforcing the ordinance if the Council takes the time to consider all the detailed issues at this time. Mayor Cronin reminded the Council that these rules are for residential chicken owners not commercial. Council Member Montgomery asked what the remedy would be for violations to the ordinance. Malone explained that the owner would have a specific time frame to rectify violations and may have their animals taken away. Council Member Montgomery said she is not convinced a permit is needed to enforce the ordinance. Mayor Cronin advised that a permit protects residents who are annoyed with chickens and also protects the City with the expense of enforcing the rules. Council Member Lewis also questioned the need for a permit because dogs are a lot more dangerous to the public. He said his understanding is that citizens are bound to every law even without a permit. Mayor Cronin stated she appreciates Malone's research of other cities dealing with chicken issues and trusts his opinion that permits should be required for enforcement of violations. She also has concerns the City may have legal issues entering onto the personal property of violators without a permit. Brigham City's permit details that their animal control personnel has the right to go onto the property of animal owners. Council Member Lewis said he could understand the need in that situation. Council Member Christensen said he feels that a permit holds chicken owners responsible by signing for a permit. Mayor Cronin stated that a permit helps the City plan for the worst situations by giving Perry City the authority to enforce remedies to violations. Vicki Call (Planning Commissioner) asked how the City would enforce violations when a neighbor complains. Mayor Cronin admitted code enforcement needs to be strengthened.

Council Member Christensen explained that the City is taking steps to remedy the City's insufficient code enforcement. Mayor Cronin said she prefers the interactive online ordinance document be created and reviewed by next Wednesday so Malone will be able to draft an ordinance.

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

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

- **November 13, 2014 City Council Meeting Minutes**
- **December 11, 2014 City Council Meeting Minutes**

**MOTION:** Council Member Montgomery moved to approve the minutes for the November 13, 2014 and December 11, 2014 City Council Meetings. Council Member Christensen seconded the motion.

**ROLL CALL:** Council Member Gerlach, Yes      Council Member Montgomery, Yes  
Council Member Lewis, Abstain      Council Member Christensen, Yes  
**Motion Approved.** 3 Yes, 1 Abstain

- B. Todd Christensen:** asked if the municipal code project is complete. Malone reported that the project is almost finished. It is complicated and Malone assured the Council that organizing the codes was an excellent investment. Malone said the City codes will be easily accessed online along with the reference documents. Susan, Shanna and Malone will receive training to use the codes system and the Council and Planning Commission will also be invited to training. Council Member Christensen reported that he had a Utopia board meeting. He stated that the funds awarded from the law suit against RUS have been transferred. Communities that participated in the law suit will be reimbursed. Perry City will receive a check and it is recommended that the money not be used for operational expenses. He and the Mayor have an upcoming meeting to discuss Utopia.
- C. Peter Gerlach:** reported that the "Shop with a Cop" event was successful last month. Mayor Cronin said she is meeting with Emergency Services and invited Council Member Gerlach to join the meeting.
- D. Jana Nelson:** Absent.
- E. Esther Montgomery:** had nothing to report. Mayor Cronin reported that Brett Jones is working on a grant submittal for a hiking trail. This piece will complete the trail from Utah County all the way to just north of Brigham City. She mentioned that Willard received grant money to assist with their portion of the trail. The County also has grant money.
- F. Brady Lewis:** had nothing to report.
- G. Mayor Cronin:** stated we are moving forward with the inter-local agreement for the waste water treatment plant. She had a conversation with the attorney and is trying to set up appointment with State of Utah regarding this agreement. She said she is working with the broker from Point Perry. He invited her to a conference at Park City. Mayor Cronin reminded the Council to get finger printed for the I.D badges. The I.D. badges are only required if the Council plans to go upstairs. Mayor Cronin said the newsletter has a reminder for citizens to ensure their homes are well lit when they are away. She reported that a Perry homeowner was burglarized and a nice car was stolen. The perpetrators kicked in the door and used a crowbar to get in. Mayor Cronin requested that police officers use extra vigilance noticing any suspicious behavior in neighborhoods. She reported that Heritage Theatre plans a patriotic play during the 4<sup>th</sup> of July therefore the City will not be able to utilize the theatre for the Perry's Got Talent event. Council Member Christensen suggested the Council communicate with the residents of 900 West. The City Engineer explained that there is an advantage for the City to move southward on the 900 West project since it is undeveloped. He said that there are no lots there so it isn't necessary to subdivide. Mayor Cronin noted that the Council hasn't explored the 2700 South area of 900 West for the project and should also look into this more fully.

**H. Items for Next City Newsletter:**

None discussed.

**ITEM 7: ITEMS FOR FUTURE MEETINGS**

None discussed.

**ITEM 8: EXECUTIVE SESSION**

Not needed and cancelled.

**ITEM 9: Adjournment**

**MOTION:** Council Member Christensen made a motion to adjourn.

All in favor, **Motion Approved.**

The meeting closed at 8:31.

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Susan Obay, City Recorder

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Karen Cronin, Mayor

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Shanna Johnson, Chief Deputy Recorder