

Thursday, August 6, 2015

PERRY CITY COUNCIL MEETING AGENDA

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

Approx. 7:00 PM – Regular Meeting

1. Call to Order and Opening Ceremonies

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

2. Procedural Issues

- A. Conflicts of Interest Declaration(s), If Any
- B. Pass out Warrants to Council Members (and Possible Discussion)
- C. Business License(s):
 - NS Auto

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

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

- A. Public Hearing Regarding Ordinance 15-K Amending Perry Municipal Code 15.07 Regarding Large Animals in Residential Zones
- B. Public Hearing Regarding Ordinance 15-L Amending the Compensation Schedule for Statutory/Appointed Officers
- C. Public Comments

4. Approx. 7:35 PM – Action Items (Roll Call Vote)

- A. Approval of the Warrants
- B. Ordinance 15-K Amending Perry Municipal Code 15.07 Regarding Large Animals in Residential Zone
- C. Ordinance 15-L Amending the Compensation Schedule for Statutory/Appointed Officers
- D. Motion to Approve the Creation and Posting of a Part-time Office Assistant Position

5. Approx. 8:00 PM – Discussion

- A. Budget Update

6. Approx. 8:10 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

- June 4, 2015 City Council Work Session Minutes
- June 4, 2015 RDA Meeting Minutes
- June 4, 2015 City Council Meeting Minutes
- June 18, 2015 City Council Meeting Minutes
- July 1, 2015 City Council Meeting Minutes

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

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

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

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

- F. Brady Lewis:** Police/Night Out Against Crime, Economic Development, Planning Commission
- G. Mayor Cronin:** Chief Executive Officer, Fourth of July Chairman, Emergency Services Coordinator, City Ambassador
- H. Staff Comments**
- I. Items for Next City Newsletter**

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

8. **Approx. 9:15 PM – Adjournment (next regular meeting on Thurs., August 20, 2015 at 7:00 PM,)**

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each Member of the City Council and was posted in three locations at the Perry City Offices, as well as at the Dale Young Park and main Perry City Park, and was faxed to the Ogden Standard-Examiner and Box Elder News Journal on this 30th day of July, 2015. Any Individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, Chief Deputy Recorder

Report Criteria:
Detail report.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Brigham City Corp.								
6106	Brigham City Corp.	4666	annual fire standby contract	06/01/2015	19,000.00	19,000.00	07/16/2015	
Total Brigham City Corp.:					19,000.00	19,000.00		
Henry Schein								
10630	Henry Schein	07/23/2015	FIRST RESPONDERS	05/18/2015	2,428.56	2,428.56	07/23/2015	
Total Henry Schein:					2,428.56	2,428.56		
MAVERIK FLEET CARD SERVICES								
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	170.60	170.60	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	170.60	170.60	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	170.60	170.60	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	449.96	449.96	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	1,903.87	1,903.87	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	71.04	71.04	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	97.28	97.28	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	97.28	97.28	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	97.28	97.28	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	97.28	97.28	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	101.88	101.88	07/23/2015	
11288	MAVERIK FLEET CARD SERVIC	07/23/2015	GAS PURCHASE	06/30/2015	50.12	50.12	07/23/2015	
Total MAVERIK FLEET CARD SERVICES:					3,477.79	3,477.79		
Polydyne Inc.								
11400	Polydyne Inc.	975322	clarifloc	06/18/2015	2,124.00	2,124.00	07/22/2015	
Total Polydyne Inc.:					2,124.00	2,124.00		
Republic Services								
10200	Republic Services	0493-0004847	garbage service	06/30/2015	16,196.17	16,196.17	07/16/2015	
Total Republic Services:					16,196.17	16,196.17		
Rocky Mountain Power								
2501	Rocky Mountain Power	07/16/2015	WWTP Power	06/12/2015	5,782.46	5,782.46	07/16/2015	
2501	Rocky Mountain Power	07/23/2015	powe bill	07/14/2015	1,604.50	1,604.50	07/23/2015	
2501	Rocky Mountain Power	07/23/2015	powe bill	07/14/2015	144.99	144.99	07/23/2015	
2501	Rocky Mountain Power	07/23/2015	powe bill	07/14/2015	8,145.34	8,145.34	07/23/2015	
2501	Rocky Mountain Power	07/23/2015	powe bill	07/14/2015	234.80	234.80	07/23/2015	
2501	Rocky Mountain Power	07/23/2015	powe bill	07/14/2015	817.57	817.57	07/23/2015	
2501	Rocky Mountain Power	07/30/2015	WWTP Power Bill	07/14/2015	5,641.73	5,641.73	07/30/2015	
Total Rocky Mountain Power:					22,371.39	22,371.39		
Skyline Electric Company								
11924	Skyline Electric Company	13913	Blower Motor Rebuild	07/22/2015	2,524.27	2,524.27	07/30/2015	
Total Skyline Electric Company:					2,524.27	2,524.27		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Willard City Corporation								
10355	Willard City Corporation	07/23/2015	4 pagers	06/12/2015	1,651.12	1,651.12	07/23/2015	
10355	Willard City Corporation	07/23/2015	Fireworks for 4th Of July	06/12/2015	2,400.00	2,400.00	07/23/2015	
Total Willard City Corporation:					4,051.12	4,051.12		
Zions Bank								
11510	Zions Bank	07/16/2015	Utopia	06/26/2015	9,329.24	9,329.24	07/16/2015	
Total Zions Bank:					9,329.24	9,329.24		
Grand Totals:					81,502.54	81,502.54		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Paid and unpaid invoices included.



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

BUSINESS LICENSE APPLICATION

Check all that Apply:

Original application Renewal Application

Change of: Address Ownership Business name

Business Information – Please type or print clearly:

Applicant's Name NATHAN SUMKO

Business Name NS AUTO

Business Address 1998 S. Hwy 89 Perry City, UT 84302

What type of building is this? Home Commercial Other

Will you have visiting clientele at this address? Yes No

Mailing Address 4274 N. 250 W City PERRY UT State UT Zip 84302

Bus. Phone (801) 230-1504 Business Start Date AS SOON AS POSSIBLE 7-15-15

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

Website Address: _____

Is the Applicant the Property Owner? Yes No

If No, Property Owner's Name KIM STANDARD Phone (435) 994-2026

Describe Business: AUTO SALES.

Check all that Apply:

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

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

Perry City Contact:

Robin Matthews, Utility, Permit, & Licensing Clerk
435-723-6461 ext.103
robin.matthews@perrycity.org

Ordinance 15-K

An Ordinance Amending Parts of Perry City Municipal Code 15.07.

A LAND USE ORDINANCE OF PERRY CITY, AMENDING PERRY CITY MUNICIPAL CODE 15.07 REGARDING ANIMALS IN ZONES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Planning Commission having recommended the adoption of regulations concerning animals in zones throughout Perry City after holding a public hearing on May 14, 2015.

WHEREAS, the City Council after having considered the recommendations of the Planning Commission; and

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

Section 1. Enactment. Part of *Title 15*, of the *Perry City Municipal Code* is amended and enacted as follows:

15.07.020 Zone Descriptions

15.07.020.1 Agricultural (A)

15.07.020.2 Agricultural Limited (AL)

15.07.020.3 Rural Residential (R1A and RE1/2)

15.07.020.4 Low Density Residential 1/2 Acre (20,000 Sf) (R1/2)

15.07.020.5 Low Density Residential 1/3 Acre (R1/3)

15.07.020.6 Low Density Residential 1/4 Acre (10,000 Sf) (R1)

15.07.020.7 Medium Density Residential (8,000 Sf) (R2)

15.07.020.8 Commercial (C)

15.07.020.9 Commercial (C1)

15.07.020.10 Interstate Commercial (IC)

15.07.020.11 Neighborhood Commercial (NC2 and NC3)

15.07.020.12 Mixed Use Commercial, Office, And Residential (MU-C, MU-O, and MU)

15.07.020.13 Manufacturing/Industrial (MI)

15.07.020.14 Manufacturing/Industrial (M/IL)

15.07.020.15 Environmentally Sensitive (ES)

15.07.020.16 Caveat Regarding Zone Descriptions (And Development Standards)

15.07.020.1 Agricultural (A)

The purpose of the Agricultural Zone is to promote and preserve conditions favorable to intensive agriculture. This zone is intended to include activities normally and customarily related to the production of livestock, crops, and related agricultural products and to protect the zone from the intrusion of uses detrimental to the continuation of intensive agricultural activities.

15.07.020.2 Agricultural Limited (AL)

The purpose of the limited agricultural zone is to promote and preserve in appropriate areas conditions favorable to light agriculture. This zone is intended to include activities normally and customarily related to the conduct of agriculture and to protect the zone from intrusions of uses, which will have an adverse effect on the continuation of light agricultural activities.

15.07.020.3 Rural Residential (R1A and RE1/2)

The purpose of the rural residential zone is to provide for and protect residential development in a semi-rural environment. The keeping of limited numbers of livestock and the raising of crops can be considered normal activities in the rural residential zone.

The following clarifications apply to : the R1A and RE1/2 Zones.

1. One (1) large animal will be allowed per 20,000 sq of property on a parcel. (Example: Two large animals are allowed on 50,000 sq. of property. Additional animals are not allowed on portions of property less than 20,000 sq.) Large Animals are considered: Horses, cattle, sheep, goats, pigs, etc. Large animals must be contained in a corral or stock fence. If there is no main building, corrals or stock fences must have a thirty (30) foot minimum front setback, sixteen (16) foot minimum rear setback and eight (8) foot minimum side setbacks on a lot or parcel. If there is a main building, corrals or stock fences shall be sixteen (16) feet from the building and other setbacks will apply.
2. Nine (9) small animals/fowl will be allowed per 20,000 sq. of property on a parcel. (Example: Eighteen (18) small animals/fowl are allowed on 50,000 sq. of property.) Under special conditions, additional small animals/fowl may be allowed with the approval of a conditional use permit (reviewed on a yearly basis) and following the process for its issuance. Small animals/fowl are considered: turkeys, ducks, geese, pigeons, peacocks, rabbits, mink, ferrets, or other small domesticated fur bearing animals. For chickens refer to Perry City Municipal Ordinance 9.12.
3. Special Conditions that will be considered to allow more small animals/fowl would include but not be limited to: available housing or shelters (coops, pens, barns, etc.), fencing, control of animals/fowl, consent of neighbors and lack of complaints.

15.07.020.4 Low Density Residential 1/2 Acre (20,000 Sf) (R1/2)

The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

15.07.020.5 Low Density Residential 1/3 Acre (R1/3)

The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

NOTE: This zone allows a septic tank on a minimum 1/3 acre lot in the south annexed area of the city until such time as sewer collection lines are installed within 300 feet of a lot line, then the owner of said lot has one year to connect to the sewer collection lines.

15.07.020.6 Low Density Residential 1/4 Acre (10,000 Sf) (R1)

The purpose of the R-1 Zone, low density residential, is to provide appropriate locations where low density housing neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

15.07.020.7 Medium Density Residential (8000 Sf) (R2)

The purpose of the medium density residential zone is to provide appropriate locations where medium density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit uses that would be intrusive to activities and uses usually associated with medium density neighborhoods.

15.07.020.8 Commercial (C)

The purpose of the commercial zone is to provide an appropriate area for intensive commercial and light manufacturing. Development standards must minimize potential negative visual impact and objectionable effects to adjacent zones.

NOTE: Variables that determine if a proposed development should be included in the Manufacturing/Industrial Zone as opposed to the Commercial Zone include but are not limited to:

1. Number of employees
2. Square footage and height of building(s)
3. Square footage of hard space
4. Requirements for outside storage areas or service requirements
5. Potential negative environmental impact
6. Overall visual quality of the development

15.07.020.9 Commercial (CI)

This zone is unique to the area along the north border of Perry City, West of Highway 89 extending west to Interstate 15 and South from the border with Brigham City for approximately 2000 feet (as defined on the Zoning Map). The purpose of this zone is to provide space for development of business which focuses on retail and wholesale sales along with professional offices. The zone is considered prime business district and does not allow residential development or heavy commercial development such as processing plants, etc. Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.

15.07.020.10 Interstate Commercial (IC)

The purpose of the Interstate Commercial Zone is to permit all commercial uses as listed in the Development and/or Inter-local Agreements between Perry City and the developers of the Pointe Perry Development, This zone applies only to the area of the Pointe Perry Development.

15.07.020.11 Neighborhood Commercial (NC2 and NC3)

The purpose of the neighborhood commercial zones is to permit the establishment of well designed retail commercial facilities along Highway 89 and minimize the effects of commercial development adjacent to residential uses (see Section 15.07.060 for specific zoning information and Chapter 15.29 for Conditional Use information).

15.07.020.12 Mixed Use Commercial, Office, And Residential (MU-C, MU-O, and MU-R)

The purpose of the mixed use zones is to provide an area for multi-family dwellings in combination with commercial uses such as offices or retail. Combining these uses will reduce traffic congestion by providing for an area adjacent to mass transit as well as making jobs available close to home.

15.07.020.13 Manufacturing/Industrial (M/I)

The purpose of the Manufacturing/Industrial Zone is to provide an area conducive to heavy manufacturing and industry that is in harmony with the environmental quality of the community.

15.07.020.14 Manufacturing/Industrial Limited (M/IL)

The purpose of the Manufacturing/Industrial Limited Zone is to provide an area conducive to specific manufacturing uses, heavy commercial uses and industry that is in harmony with the General Plan.

15.07.020.15 Environmentally Sensitive (ES)

The purpose of the Environmentally Sensitive Zone is to promote environmental planning of areas which have severe physical limitations and have a complex ecological and environmental balance, including limiting development in sloped terrain (see "Sloped Terrain and Foothill Development," Chapter 15.09).

15.07.020.16 Caveat Regarding Zone Descriptions (And Development Standards)

Development standards must protect the Perry City water shed and water supply, limit erosion and storm water runoff, be compatible with existing wildlife winter range, accent the goals of the General Plan, not limit casual access to the foothills, and limit disruption of vegetation through a cut and fill process.

1. Grade is to be determined on individual lots and not averaged across the development.
2. Ratio of dwelling unit per existing grade:

Over 20% grade - no development

15 - 20% grade - 1 dwelling per 5 acres

10 - 15% grade - 1 dwelling per 2 acres

5 - 10% grade - 1 dwelling per 1 acre
0- 5% grade - 1 dwelling per 1/2 acre

Section 2: Repealer. All Ordinances adopted prior to the date of this Ordinance that are in conflict with this Ordinance are hereby repealed, subsumed, and replaced.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately after approval and posting.

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

PERRY CITY

BY _____

—
Mayor Karen Cronin

ATTEST:

COUNCIL MEMBERS: VOTING

Aye Nay

CHRISTENSEN	_____	_____
GERLACH	_____	_____
MONTGOMERY	_____	_____
LEWIS	_____	_____
JANA NELSON	_____	_____

City Recorder

RECORDED this ____ day of _____, 20____.

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

1) _____ 2)

_____ and 3) _____ on the above referenced
dates.

_____ DATE: _____ City Recorder

Ordinance 15-L

Amending Perry City Municipal Ordinance 2.19.030, Approving Pay Increases for Statutory Officers (City Administrator, City Recorder, Treasurer, and Police Chief), and Adjusting the Compensation Schedule Accordingly

WHEREAS, Utah Code Section 10-3-818(1) states, in pertinent part, that “[t]he . . . statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing. . . .”; and

WHEREAS, Utah Code Section 10-3-818(6) states, in pertinent part, that “[t]he compensation of all municipal officers shall be paid at least monthly [unless the municipality has a population of 1,000 or less]. . . .”; and

WHEREAS, the Perry City Council, has specifically reviewed and considered the compensation of the City Administrator, City Recorder, City Treasurer, and Police Chief as statutory officers in City Council meetings; and

WHEREAS, the Perry City Council has obtained public input and comment in this regard, in a public hearing held on August 6, 2015 (after having first been officially noticed to the public in the local newspaper); and

WHEREAS, the current City Recorder, City Treasurer, and Police Chief each currently perform other duties besides the duties associated with the referenced statutory position, and each has “merit employee status”; and

WHEREAS, the Perry City Council, after discussing the issue in the August 6, 2015 City Council meetings, has determined that: (1) **the current level of compensation for the current City Recorder, City Treasurer, and Police Chief** (who are statutory officers and merit status employees) **should be adjusted**; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Perry City that:

SECTION 1. REPEALER: Any prior city ordinance or compensation schedule for the compensation of the referenced Statutory/Appointed Officers is hereby repealed, effective immediately.

SECTION 2. ESTABLISHMENT OF A NEW COMPENSATION SCHEDULE FOR STATUTORY/APPOINTED OFFICERS AND THE ENACTMENT OF THIS AND RELATED SECTIONS IN THE MUNICIPAL CODE:

The following section is hereby enacted as part of the Perry Municipal Code, with similar terms in Title 2 to be amended to conform with the terms in this ordinance:

02.19.030. Compensation Schedule For Statutory/Appointed Officers.

Effective retroactive with the paycheck including pay for work performed on July 1, 2015, the compensation on an hourly and annual basis for the referenced Statutory/ Appointed Officers shall be as follows:

- I. City Administrator (\$28.37 Hourly; approx. \$59,009.60 Annually); and
- II. City Recorder (\$21.64 Hourly; approx. \$45,011.20 Annually); and
- III. City Treasurer (\$17.04 Hourly; approx. \$17,721.60 Annually, based on approximately 1040 hours/year, instead of 2080 hours/year); and
- IV. Police Chief (\$29.71 Hourly; approx. \$61,796.80 Annually).

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective immediately upon approval, as set forth herein.

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

PERRY CITY

BY _____
Mayor Karen Cronin

ATTEST:

City Recorder

COUNCIL MEMBERS: VOTING

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

Perry City
Job Description
Office Assistant

Division: Recorder's Office
Department: Reception and Record Management
FLSA: Non-Exempt

Reports to: City Recorder
Date Created: 7/30/2015

Purpose:

Provide support to the Administration department with general office requests, filing, typing, and the updating of social media sites and tools.

Essential Duties and Responsibilities:

1. Updating Perry City webpage
2. Posting events on social media (Facebook, Twitter, etc.)
3. Typing documents, flyers, correspondence, and meeting minutes as needed
4. Filing and retention of City documents
5. Faxing, copying, and data entry
6. General customer service (phones, email, in-person, text messaging)
7. Assist with the organization of main front counters, cupboards, and shelves
8. Assist with City Utility Bills as needed (folding, stuffing, and addressing of envelopes)
9. Other duties as assigned

Knowledge and experience:

1. 6 months to 1 year of training or secretarial experience preferred
2. Working knowledge of social media and basic website maintenance
3. Must have interpersonal skills and experience working with the public
4. Must have basic math skills to handle utility bills
5. Must be able to type or take shorthand and speed is required
6. Must be computer literate and familiar with most office software

Interpersonal and Communication Skills:

Must be able to communicate in person and on the telephone with co-workers, elected officials, and the public to ensure successful completion of projects. Must be able to read and write reports and public announcements.

Physical Requirements and work environment:

While performing the duties of this position, the employee is in an office setting and will be required to occasionally stoop, kneel, crouch, or crawl while filing or handling other office responsibilities. The employee is frequently required to sit, use hands to finger, handle, or feel tools and controls such as when working with the computer; reach with the hands and arms while filing and to talk and hear when answering phones talking to customers, developers, and vendors. The specific vision abilities required by the job include close vision when working with files and the computer.

Schedule, Attendance, and Punctuality:

This position will be scheduled on an as needed basis up to 16 hours per week and will not have a set schedule, and may not be scheduled at all during a week. When scheduled to work regular and predictable attendance and proper notification/communication in the event of absence or tardiness will be required.

Supervisory/Management Skills:

This position does not have any supervisory responsibilities.

DRAFT

1 PERRY CITY WORK SESSION
2 PERRY CITY OFFICES
3 June 4, 2015

6:00 PM

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

8 OFFICIALS EXCUSED: Peter Gerlach

9
10 CITY STAFF PRESENT: Greg Westfall, City Administrator
11 Shanna Johnson, Chief Deputy Recorder

12
13 OTHERS PRESENT:

14 **ITEM 1: CALL TO ORDER**

15 Mayor Cronin called the meeting to order.

16 **A. Personnel Policy**

17 The Mayor and Council reviewed the proposed changes to the Personnel Policy in specific
18 the Timekeeping, Benefit Time, and On Call policies.

19 Mayor Cronin stated that she had a long conversation with Chief Dale Weese regarding the
20 new policy and he did have one concern on the proposed changes to the Holiday policy on
21 Page 18 (Recognized Holidays falling on a regular day off). Mayor Cronin stated the
22 recommended change is:

23 *“If a recognized holiday falls on an employee’s regular time off the holiday time will be given*
24 *to the employee as a floating holiday to be used within 1 month of the time being earned.”*

25 Mayor Cronin said that this change was proposed mainly for the Administration and Public
26 Works staff members as some of the staff has every other Friday off and if the holiday falls
27 on the Friday they are off they have been taking this as a floating holiday. The issue with
28 Police is that they have to have 24/7 coverage, this rule would create the need for someone
29 to cover a shift when an officer uses the floating holiday and this would cost the City more
30 money for overtime costs needed to provide the coverage. Mayor Cronin suggested adding
31 to the end of this policy change the following:

32 *“Public Safety Employees may be paid this time at a straight rate to reduce overtime due to*
33 *the 24/7 coverage requirements.”*

34 Mayor Cronin said that this was the Chief’s only concern. She said that Shanna has talked
35 with staff regarding the changes and we have talked about the changes in Department Head
36 meeting and no specific concerns have been brought up.

37 Mayor Cronin reminded the Council the purpose for this policy being reviewed and
38 changed. She said that the City had some grievances about a year ago regarding issues in
39 the Personnel Policy and it was suggested by the Council to review the Personnel Policy to

1 address these issues. She said that Council Member Montgomery has taken on this duty
2 and with the help of Shanna Johnson has researched timekeeping policies. She said that the
3 goal was to be fair to the employees, provide a good benefits package, while also being fair
4 to citizens and concerns that have been brought to the City. She said that issues with time
5 off and the policy have been brought up several times. Mayor Cronin stated that she feels
6 that the proposed changes are both fair to the employees and the citizens. She said that
7 increases to health care costs have pretty much been absorbed for the last 5 years, there
8 was one year that the City did ask the employees to accept 5% more of the premium, other
9 than that the health care split has remained the same. She said that when she talked with
10 the Police Chief today he said that Brigham City has to pay a lot more toward insurance and
11 they do not receive on-call pay.

12 Mayor Cronin asked for feedback from the council. Council Member Christensen said he
13 believes that the research has shown that the proposed policy is fair, but in general we look
14 twice when employee benefits are being reduced. He said especially a benefit that is given
15 with years of service. He said that reducing vacation hours for someone who has 15 years
16 of service is hard to do. He said he also recognizes that there have been some offsets in
17 insurance premiums being covered and we are trying to bring ourselves in line with other
18 communities. Mayor Cronin said if we are looking long range, we have an extremely rich
19 benefits package and if we want to change, now is the time to change. Council Member
20 Christensen said you also reach a tipping point when senior staff has so much vacation they
21 are not here during key times. He said he also thinks that you can state that you have
22 earned this time, but you are also needed in the office. Mayor Cronin said that Greg helped
23 her to do the math and the proposed vacation benefit will still provide 4 weeks of vacation
24 in addition to 12 paid holidays and 52 hours of sick time. She said that she puts a little bit
25 of responsibility on the employees because they have known about these changes and if
26 they had concerns they should bring the concerns forward. Council Member Christensen
27 stated that he understands, but wants to ensure that they take time to review these
28 changes and ensure they are fair because our employees are the City's most valuable
29 resource. Mayor Cronin agreed and said that Shanna Johnson has been a great advocate for
30 both sides, but also sees that the proposed changes are fair. Shanna Johnson said that as an
31 employee she is of course for as much vacation that the City will allow, but when she looks
32 at what is being proposed in comparison to the industry standard she believes the
33 proposed benefits are reasonable. She said that it will not be a fun change and the
34 employees will not be happy about the change, but even the employees have noted that
35 there are employees that want to take the entire month of June off because they have that
36 much time left to use. She said that June is a very busy time for all departments and being
37 short staffed makes things difficult. Council Member Christensen asked what provisions
38 are in place to ensure that Department Heads are encouraging employees to use time.
39 Greg Westfall said that these benefits are still subject to an approval process and if
40 employees wait to use time until the end of the year this time could still be denied. Council
41 Member Christensen recognized that there is also a certain amount that can be carried over
42 (150%). Shanna Johnson said at times it takes a hard lesson of losing time before an
43 employee takes scheduling time seriously. Council Member Christensen said he has
44 learned this lesson himself before.

45 Mayor Cronin said that there are some proposed added benefits this year, for example
46 Teledoc which is a doctor available 24/7 by phone who can also write prescriptions (for

1 non-narcotic drugs). She said that this also available to Council Members as well it costs
2 \$5.00 per month. Mayor Cronin said vision benefits are also available to the Council. She
3 said the Encore Benefits has done a great job for the City as we are only looking at 5%
4 increase in medical benefit costs; She has been told that Cache Valley School District is
5 looking at a 29% increase.

6 Council Member Lewis asked what employees will be affected by the vacation benefit
7 changes. Mayor Cronin advised that Susan Obray, and 2 part-time employees, John Oyler
8 and Jolene Eddington will be affected. Council Member Nelson suggested implementing
9 blackout dates for time off. Mayor Cronin said we can look at this, but as Council Member
10 Montgomery looked at the benefits they are still fair and it is a good time to make
11 adjustments as the number of staff members affected are minimal. Shanna advised that
12 another policy that has been added is the 2 person coverage rule, which requires that 2
13 people be scheduled during operating hours, which will address coverage needs without
14 implementing blackout periods. She said that this policy will help managers to deny time if
15 needed to ensure coverage. Council Member Lewis questioned why this requirement is
16 needed. Mayor Cronin said that this provides coverage for breaks and lunches in admin,
17 Police has double coverage this with the Chief being exempt and if he is off with the on call
18 officer, and proper coverage is huge in public works as was found out by Brigham City
19 when they had the recent water main break. If we have all employees off or at training we
20 are unable to address public works emergencies in a timely efficient manner. Shanna
21 Johnson said there are more important issues as well as safety. If we have an issue at the
22 Wal-Mart lift station we need two people onsite so we can ensure that the employee gets
23 out safely. Shanna said it is also a good idea to have two people there when dealing with
24 cash. She said at times this will not be possible such as if someone is sick during a
25 scheduled time. Greg Westfall said the goal is to get employees thinking about the
26 importance of double coverage and making a goal to have this in place. Shanna said that
27 the policy does allow for exceptions with approval from the Mayor.

28 Mayor Cronin addressed the changes to the Tobacco Use/E-Cigarette. She said that this has
29 been updated to address changes to the Clean Air Act. There have not been any concerns
30 brought to her regarding the policy change.

31 Council Member Lewis asked about policies requiring approval from the Mayor and if we
32 should let the City Administrator do this. He said at times the Mayor may not be available.
33 Mayor Cronin said she can delegate authority at any time and would if she was not
34 available.

35 Mayor Cronin addressed changes to sick leave. She said that the original goal was to give
36 employees the same amount carry over coverage as allowed for FMLA. Shanna explained
37 that this is 12 work weeks. Mayor Cronin said that before when they did the math they
38 calculated hours for every day of the month including weekends instead of just the work
39 week. The change still covers the intent.

40 Council Member Lewis stated he has concerns with the at-will statements in the policy. He
41 asked why this is even listed. Shanna Johnson said that Employee Solutions group helped
42 to draft this policy 7 years ago and no one really questioned the at-will policy. She said that
43 every company usually has an at-will period. This is usually implemented during an
44 introductory period such as a newly hired employee or a new promotion. This gives the

1 organization the opportunity to ensure that the employee hired is adequate for the
2 position. She said that the Perry City policy goes a little further to include exempt
3 department heads. She said that she does not have feelings one way or the other on this
4 policy and it could be changed to not include the exempt department heads. She said the
5 management practices at Perry City are to give due process. She said that even
6 probationary employees are given a fair opportunity for performance correction. Council
7 Member Lewis said that it just seems like we are attempting to evade the law with the
8 Policy. Council Member Gerlach said that we are actually following the law more as we are
9 an at-will State. Shanna advised that Utah is an at-will state, but government agencies are
10 required to show due process after an introductory period per State Law and Perry City
11 does comply with State law. Shanna explained that Statutory Employees can be removed
12 from their positions at any time; that does not mean that they can be terminated without
13 due process, but they can be unappointed from the statutory position and placed in a
14 different position at any time.

15 Council Member Lewis asked why we are requiring Floating Holidays be used within 1
16 month. Shanna stated these are usually used the day before or after the holiday and we
17 also want to make sure that these do not carry over into the following year. Council
18 Member Lewis asked if this rule would create more administrative work. Shanna said that
19 this has already been the practice and is just being put into policy. Greg said that without a
20 cap it would cause more management work.

21 Council Member Lewis asked why the Police Chief is only authorized to approve up to 5%
22 of overtime. Shanna Johnson advised that this is part of the performance guidelines passed
23 by the Council last year, but is now being added to policy. She stated that the Mayor can
24 approve time over the 5%. Shanna said that all other areas must get approval for any
25 overtime approved by the Mayor so this is a nice option for the Police Chief.

26 Council Member Lewis asked what happens if an employee cannot take a break due to a
27 work emergency, etc. Shanna Johnson said that breaks are optional and are paid time. The
28 employee is allowed to take a break but if they choose not to they would not receive
29 additional pay. She said that nothing in the Fair Labor Standards Act (FLSA) requires that
30 you provide extra pay for breaks not taken. Council Member Lewis asked if they can take a
31 break later if they needed to. Shanna said yes, that they schedule breaks through their
32 managers. She said that they cannot use the break at the beginning or ending of the shift.

33 Council Member Lewis asked who the on call policy affects other than the Police Chief.
34 Mayor Cronin said public works. Shanna said it also affects all public safety employees
35 scheduled on call. Shanna said that FLSA does not require any pay for being scheduled on
36 call this is an incentive to get people to be willing to be scheduled on call.

37 Council Member Montgomery said that not only were we trying to be fair with the changes
38 but also competitive. She said that we either stayed right with the industry or offered a
39 little extra.

40 Council Member Lewis thanked the committee for their work.

41 Council Member Lewis and Montgomery both passed on some grammatical changes.

42

1 **ITEM 2: Adjournment**

2

3 Mayor Cronin closed the Work Session.

4

5

6

7

Susan Obray, City Recorder

Karen Cronin, Mayor

9

10

11

12

13

Shanna Johnson, Chief Deputy Recorder

14

1 PERRY CITY REDEVELOPMENT AGENCY MEETING
2 PERRY CITY OFFICES
3 JUNE 4, 2015

6:36 PM

4
5 OFFICIALS PRESENT: Board Chair Karen Cronin presided and conducted the meeting.
6 Jana Nelson, Esther Montgomery, Todd Christensen, Brady Lewis

7
8 OFFICIALS EXCUSED: Peter Gerlach

9
10 CITY STAFF PRESENT: Greg Westfall, City Administrator
11 Shanna Johnson, Chief Deputy Secretary

12
13 OTHERS PRESENT:

14
15 **ITEM 1: CALL TO ORDER**

16 Board Chair Karen Cronin called the meeting to order.

17
18 **ITEM 2: PRESENTATION BY SHANNA JOHNSON REGARDING THE RDA FISCAL YEAR**
19 **2015-2016 BUDGET**

20
21 Shanna reviewed the proposed budget for Fiscal Year 2015-2016 (FY2016). She explained that there
22 have been some changes since the tentative budget was passed due to some updated information. Shanna
23 advised that \$56,326 in tax increment was received FY2014. It is projected that \$50,739 will be received
24 in FY2015, and that \$50,447 will be received in FY2016. She said we plan to contribute all of that
25 revenue to fund balance.

26
27 Shanna stated that in the future we plan to meet with the taxing entities to amend inter-local agreements
28 and allow the tax increment to be used to make the City whole (on assessments not paid by the developer
29 and covered by the City).

30
31 Shanna advised that makes up the entire budget, which is balanced.

32
33 **ITEM 3: PUBLIC HEARINGS**

34 **A. PUBLIC HEARING REGARDING THE TENTATIVE BUDGET FOR RDA FISCAL YEAR**
35 **2015-2016 BUDGET, TO POTENTIALLY BE ADOPTED AS A FINAL BUDGET, WITH OR**
36 **WITHOUT AMENDMENTS**

37 **MOTION:** Board Member Lewis made a motion to open a public hearing regarding the Tentative
38 Budget for RDA Fiscal Year 2015-2016 Budget potentially being adopted as the final budget. Board
39 Member Montgomery seconded the motion.

40 **ROLL CALL:** Board Member Lewis, Yes Board Member Montgomery, Yes
41 Board Member Nelson, Yes Board Member Christensen, Yes

42 **Motion Approved.** 4 Yes, 0 No.

43
44 No public comment was made.

1 **MOTION:** Board Member Christensen made a motion to close the public hearing. Board Member
2 Nelson seconded the motion.

3 **ROLL CALL:** Board Member Lewis, Yes Board Member Montgomery, Yes
4 Board Member Nelson, Yes Board Member Christensen, Yes
5 **Motion Approved.** 4 Yes, 0 No.
6

7 **B. PUBLIC HEARING REGARDING AN AMENDED INTER-FUND LOAN TO THE PERRY**
8 **CITY DEBT SERVICE FUND**
9

10 Shanna Johnson stated what is being proposed is an amendment to the Inter-fund Loan previously granted
11 from the RDA Tax Increment Fund to the Perry City Debt Service Fund. This amendment will extend the
12 pay off date to June 30, 2016 and increase the interest rate from 0.463% to 0540%. She explained that
13 this will give more time for a land sale to occur creating revenue needed to pay back the loan.
14

15 **MOTION:** Board Member Christensen made a motion to open a public hearing for discussion regarding
16 an Amended Inter-Fund Loan. Board Member Montgomery seconded the motion.

17 **ROLL CALL:** Board Member Lewis, Yes Board Member Montgomery, Yes
18 Board Member Nelson, Yes Board Member Christensen, Yes
19 **Motion Approved.** 4 Yes, 0 No.
20

21 No public comment was made.
22

23 **MOTION:** Board Member Christensen made a motion to close the public hearing. Board Member
24 Montgomery seconded the motion.

25 **ROLL CALL:** Board Member Lewis, Yes Board Member Montgomery, Yes
26 Board Member Nelson, Yes Board Member Christensen, Yes
27 **Motion Approved.** 4 Yes, 0 No.
28

29 **ITEM 4: ACTION ITEMS**

30 **A. MOTION/ACTION REGARDING RDA RESOLUTION 15-01 TO ADOPT THE TENTATIVE**
31 **BUDGET FOR FISCAL YEAR 2015-2016 AS THE FINAL BUDGET**
32

33 **MOTION:** Board Member Christensen made a motion to approve RDA Resolution 15-01 Adopting the
34 Tentative Budget for Fiscal Year 2015-2016 as the Final Budget. Board Member Nelson seconded the
35 motion.

36 **ROLL CALL:** Board Member Lewis, Yes Board Member Montgomery, Yes
37 Board Member Nelson, Yes Board Member Christensen, Yes
38 **Motion Approved.** 4 Yes, 0 No.
39

40 **MOTION/ACTION REGARDING RDA RESOLUTION 15-02 AUTHORIZING THE**
41 **AMENDMENT OF AN INTER-FUND LOAN TO THE PERRY CITY DEBT SERVICE FUND**
42

1 **MOTION:** Board Member Montgomery made a motion to approve Resolution 15-02 Authorizing the
2 Amendment of an Inter-Fund Loan to the Perry City Debt Service Fund. Board Member Christensen
3 seconded the motion.

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

8 **B. APPROVE MAY 7, 2015 RDA MEETING MINUTES**

9 Mayor Cronin made one suggestion to the minutes stating they reflected that Perry City purchased the
10 land and she asked this be amended to show that Perry City acquired the land.
11

12 **MOTION:** Board Member Nelson made a motion to approve the May 7, 2015 RDA Minutes with the
13 proposed amendment. Board Member Montgomery seconded the motion.

14 **ROLL CALL:** Board Member Lewis, Yes Board Member Montgomery, Yes
15 Board Member Nelson, Yes Board Member Christensen, Yes
16 **Motion Approved.** 4 Yes, 0 No.
17

18 **ITEM 5: ADJOURNMENT**

19 **A. MOTION TO ADJOURN**

20 **MOTION:** Board Member Christensen moved to adjourn. All Board Members were in favor.
21 **Motion Approved.**
22

23
24 The meeting adjourned at 6:46 PM.
25
26
27
28
29
30

31 _____
32 Susan Obray, Board Secretary
33

_____ Karen Cronin, Board Chairman

34
35
36
37 _____
38 Shanna Johnson, Chief Deputy Secretary

1 PERRY CITY COUNCIL MEETING
2 PERRY CITY OFFICES
3 June 4, 2015

7:00 PM

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

8 OFFICIALS EXCUSED: Peter Gerlach

9
10 CITY STAFF PRESENT: Greg Westfall, City Administrator
11 Shanna Johnson, Chief Deputy Recorder

12
13 OTHERS PRESENT: Lani Braithwaite, Shelly Gomez, Darren Thompson, Lawrence
14 Gunderson

15 **ITEM 1: CALL TO ORDER**

16 Mayor Cronin called the meeting to order.

17 **A. INVOCATION**

18 Council Member Christensen offered the invocation.

19 **B. PLEDGE OF ALLEGIANCE**

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

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

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

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

27
28 **ITEM 2: PROCEDURAL ISSUES**

29 **A. CONFLICT OF INTEREST DECLARATION**

30 None.

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

32 Shanna Johnson passed out the warrants.

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

- 34 • Utah Clinical Services LLC

35
36 Mayor Cronin explained that this is a home business with no visiting clientele she
37 introduced the Business Owner, Shelly Gomez and asked her to explain what the business

1 does. Shelly Gomez stated she is a licensed clinical social worker and will be doing mental
2 health assessments. She said that she will provide these services at the client's homes or at
3 times in legal offices and then will prepare her reports from home.

4 **MOTION:** Council Member Lewis made a motion to approve the Business License for Utah
5 Clinical Services LLC. Council Member Nelson seconded the motion.

6 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
7 Council Member Lewis, Yes Council Member Nelson, Yes
8 **Motion Approved.** 4 Yes, 0 No.
9

10 **ITEM 3: PRESENTATIONS**

11 **A. PROPOSED FY2015-2016 BUDGET AND FY2014-2015 BUDGET AMENDMENTS**

12 Mayor Cronin gave a presentation on the budget process while creating a banana split
13 Sunday. She stated the process includes:

- 14 • Starting with a shell of budget based on the previous year's budget,
- 15 • Things get a little bananas but we stick together and move through the process.
- 16 • We went to our department heads and asked for their input (ice cream)
- 17 • We have to plan for future years and that things are compliant with the State
18 (toppings)
- 19 • Right when you think it is ready to go, things always get a little nuts.
- 20 • Tonight the Council has the opportunity to finish it off (cherry on top).
- 21 • When it is all said and done it is a sweet process.

22 Shanna Johnson presented the attached budget presentation for Fiscal Year 2015-2016; she
23 reviewed the following sections of the budget:

- 24 • General Fund
 - 25 ○ Projected Revenue - \$2,254,736
 - 26 ○ Projected Operational Expenses - \$2,112,108
 - 27 ○ Transfer to Sewer Fund - \$142,628
 - 28 ○ Also includes \$25,000 being contributed to capital projects for a future joint
29 fire station with Brigham City.
- 30 • Utility Fund
 - 31 ○ Projected Revenues - \$763,500
 - 32 ○ Projected Operational Expenses - \$763,500
- 33 • Sewer Fund
 - 34 ○ Projected Revenues \$1,173,222
 - 35 ○ Includes transfer from General Fund of \$142,628
 - 36 ○ Projected Operational and Bond Expenses - \$1,173,222
 - 37 ▪ Includes \$5 being contributed to fund balance

38

39 Shanna Johnson reviewed the projects planned for Fiscal Year 2015-2016:

- 40 • Road Improvements
 - 41 ○ Chip Seal Various Areas

- 1 ○ Land Acquisition for future improvements on 900 West
- 2 • Park Improvements
- 3 ○ Trail Improvements
- 4 ○ Dale Young Park Bowery - \$20,000 (impact fees to be used)
- 5 • Three Mile Creek Gun Range Improvements
- 6 ○ Storage Building (tourism grant funds to be used)
- 7 ○ Engineered Plan
- 8 • Building Upgrades
- 9 ○ Surveillance Cameras
- 10 • Printer Upgrades
- 11 • Community & Economic Development
- 12 ○ Tour of Utah (Bike Race)– coming August 4th
- 13 ○ Pointe Perry Area Commercial Development
- 14 • GIS Training & Updating of Maps and Data
- 15 • Increased Storm Water Maintenance
- 16 • 900 West Waterline Upgrades (impact fees to be used)
- 17 • Well Upgrades

18
19 Shanna Johnson presented Fiscal Year 2014 -2015 Budget General Fund amendments for
20 approval stating there is no planned increase to the budget since the last amendment. She
21 explained that changes were made to the following departmental budgets:

- 22 • Community Development – reduced by \$16,585 in professional technical (no longer
23 utilizing asst. planner)
- 24 • Administration – Adding \$10,637 to cover increased personnel costs
- 25 • Police – Adding \$5,948 to cover benefit costs not anticipated
- 26 • Total General Fund Budget: \$2,156,201
- 27 • Net Change - \$0

28
29 Shanna stated this will allow all areas to afford expenditures through the end of the year as
30 well as year-end adjustments.

31 **ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARING**

32 **A. PUBLIC HEARING REGARDING THE AMENDMENT AND EXTENSION OF AN**
33 **INTERFUND LOAN FROM PERRY CITY REDEVELOPMENT AGENCY’S TAX**
34 **INCREMENT FUND**

35 **MOTION:** Council Member Nelson made a motion to open a public hearing regarding the
36 Amendment and Extension of an Inter-fund Loan from Perry City Redevelopment Agency’s
37 Tax Increment Fund. Council member Montgomery seconded the motion.

38 **DISCUSSION:** Shanna Johnson reported that about a year ago the City took an inter-fund
39 loan from the Perry Redevelopment Agency’s Tax Increment Fund to be used to help to
40 make an assessment payment on a Special Improvement District (SID) Bond for the Pointe
41 Perry Commercial area in which a developer failed to make payment. Shanna explained
42 that Perry City serves as a middle man collecting assessments from developers in the
43 commercial area which are then forwarded on to the bank to make the SID Bond payment.
44 Shanna stated that the inter-fund loan was scheduled to be paid back on June 30, 2015.

1 What is being proposed is extending this loan to June 30, 2016, if approved the interest rate
2 will increase from 0.463 to 0.540 and will give the City an extra year to sale land in the area
3 and create revenue needed to pay back the Inter-Fund Loan.

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

8
9 No public comment received.

10
11 **B. PUBLIC HEARING REGARDING THE PROPOSED FISCAL YEAR 2015-2016 BUDGET**
12 **AND FISCAL YEAR 2014-2015 BUDGET AMENDMENT**

13 **MOTION:** Council Member Christensen made a motion to close the public hearing
14 regarding the Amendment and Extension of the Inter-Fund Loan and open a public hearing
15 for the Proposed Fiscal Year 2015-2016 Budget and Fiscal Year 2014-2015 Budget
16 Amendment. Council Member Nelson seconded the motion.

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

20
21 **Cody Herbert (Perry Police Officer):** stated that currently the Perry Police Department is
22 currently working with 5 full-time employees, 4 officers work 12 hour shifts and 3 part-
23 time officers help to cover shifts. He said that this is somewhat overwhelming at times
24 because the full-time officers do not feel they can get time off when needed and work a lot
25 of overtime. He suggested hiring an additional full-time officer or more part-time officers
26 to help with shifts.

27 **MOTION:** Council Member Christensen made a motion to close the public hearing
28 regarding the Proposed Fiscal Year 2015-2016 Budget and Fiscal Year 2014-2015 Budget
29 Amendment. Council Member Montgomery seconded the motion.

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

33
34 **C. PUBLIC COMMENTS**

35 None.

36
37 **ITEM 5: ACTION ITEMS**

38 **A. APPROVAL OF THE WARRANTS**

39 **MOTION:** Council Member Christensen made a motion to approve the warrants. Council
40 Member Lewis seconded the motion.

41 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
42 Council Member Lewis, Yes Council Member Nelson, Yes
43 **Motion Approved.** 4 Yes, 0 No.

B. RESOLUTION 15-07 AMENDING VARIOUS SECTIONS OF THE PERSONNEL POLICY

Mayor Cronin explained that the Resolution 15-07 Amending Various Sections of the Personnel Policy was discussed earlier in a work session and is now up for action. Council Member Christensen asked if the City should set a timeframe of which the personnel policy should be reviewed next. Shanna Johnson said that would be fine as long as it did not restrict when the policy could be updated as the policy will need to be updated on an as needed basis when employment laws change. Mayor Cronin said this is a living document and probably changed more often than any other City Policy, but she likes the idea of having a review on policies that are not updated frequently. Shanna suggested reviewing and updating if needed a section of the policy each year. Mayor Cronin said it is easier to update the policy as needed, rather than having a timeframe listed in code because if you do not get to it, then you are violating your own code. Council Member Christensen said it could be an internal best practice, even with the department heads. Council Member Montgomery and Mayor Cronin recommended the following changes to the proposed policy language:

- **Page 20 (Work Hours):** Council Member Montgomery recommended this read *“Hours reported on timecards exceeding 40 hours in one week or 80 hours in a two week period must be hours worked.”* Removing excess, unnecessary language.
- **Page 25 (On Call, second sentence):** Council Member Montgomery suggested that this read *“Employees on call will be paid 1 hour per day...”* Removing the word working, as they would not be working but waiting to be called in to work.
- **Page 18 (Recognized Holidays falling on a regular day off):** Mayor Cronin recommended adding the words after the current sentence *“Public Safety Employees may be paid this time at a straight rate to reduce overtime due to the 24/7 coverage requirements.”*

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

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

C. RESOLUTION 15-08 AUTHORIZING THE AMENDED INTER-FUND LOAN FROM THE PERRY CITY REDEVELOPMENT AGENCY TAX INCREMENT FUND

Council Member Christensen asked what the balance of the loan is. Shanna Johnson referred to the Promissory note, stating the original loan amount was \$14,720.23. Council Member Montgomery advised that there is repayment schedule in the packet. Shanna explained that if the loan is extended the loan pay off will change from \$14,772.29 to \$14,852.06.

MOTION: Council Member Montgomery made a motion to approve Resolution 15-08 Authorizing the Amended Inter-Fund Loan from the Perry City Redevelopment Agency Tax Increment Fund. Council Member Christensen seconded the motion.

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

5 **D. RESOLUTION 15-10 APPROVING AN AMENDED BUDGET FOR FISCAL YEAR 2014-**
6 **2015**

7 **MOTION:** Council Member Lewis made a motion to approve Resolution 15-10 Approving
8 an Amended Budget for Fiscal Year 2014-2015. Council Member Nelson seconded the
9 motion.

10 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
11 Council Member Lewis, Yes Council Member Nelson, Yes
12 **Motion Approved.** 4 Yes, 0 No.
13

14 **E. RESOLUTION 15-11 APPROVING THE TENTATIVE FISCAL YEAR 2015-2016**
15 **BUDGET AS THE FINAL BUDGET**

16 **MOTION:** Council Member Nelson made a motion to approve Resolution 15-11 Approving
17 the presented Tentative Fiscal Year 2015-2016 Budget as the Final Budget. Council
18 Member Montgomery seconded the motion.

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

23 Shanna Johnson advised Police Officer Cody Herbert that Perry City currently has a part-
24 time officer opening and plans to increase staff.
25

26 **F. FINANCIAL APPEAL FROM DARREN THOMPSON REQUESTING IMPACT FEE**
27 **CREDITS**

28 Greg Westfall explained that this is a building that 12 years ago was allowed to be split into
29 2 parcels. Darren Thompson purchased one of the sides of the building and has been doing
30 his best to run a compliant business and this requires that his business has a restroom.
31 Greg stated this creates the need for a water and sewer line to be ran to his business and
32 this has caused some hardship because there is only one line ran to the building and only 1
33 impact fee has been paid.

34 Darren Thompson addressed the Council and respectfully requested that the City Council
35 consider waiving the impact fees that would be required for the installation of water and
36 sewer services to his business. He said that Perry City is requiring him to have a restroom
37 for a business license and he feels that this is a reasonable request. He said he is willing to
38 incur the expense. He said that at the time the property was split separate utilities should
39 have been required in order for the property to be legal and conforming to State code. He
40 said that impact fees were paid when the building was constructed. He said that he
41 purchased the property in 2014 and was not aware that impact fees would be required. He
42 said he does not feel it is just for him to be left holding the bag. He asked that the City
43 consider waiving the fees so that he can do business in Perry. He said that he will be

1 installing a single restroom with 1 toilet and will not have an employees and very little
2 public accessing the restroom.

3 Council Member Christensen asked what the use of the business will be. Darren stated that
4 he plans to do automobile restoration, body, and paint work. He asked if they ever tied
5 utilities into the other half of the building. Mayor Cronin said that at the time Desmond
6 Thomas owned both halves of the building and did not have the need for utilities on the
7 other half of the building. She said that she believes Desmond's intent was to split the
8 building at some point but never completed the installation of utilities to the half sold.
9 Mayor Cronin said that she believes there is some issue with the city but some goes with
10 the original owner. She said that she has talked with Greg Westfall about this and he has a
11 suggested resolution. Greg stated that staff has been researching this issue and it has been
12 found that there may be a line that can be tapped into for sewer, the City won't be sure until
13 we move forward with the connection so the Sewer impact fee (\$5,500) may not be
14 required. The water impact fee will be approximately \$3,000. He recommended that if the
15 Council makes a motion to waive a portion of fees that they leave this motion broad enough
16 to allow for water and the sewer fees just in case the sewer line is not available for
17 connection. Mayor Cronin said that she has talked with Greg Westfall and they both feel
18 that if the City does waive fees this should be a percentage. She said that a portion of the
19 issue is the cities, but was also an issue with the owner and is a little bit of a buyer beware
20 issue. Greg suggested possibly waiving 60% of the fees, but said the Council can approve
21 any amount. Council Member Christensen said he cannot recall any precedence set
22 regarding this particular situation. The Mayor agreed that this is the first time the City has
23 had this situation, but this issue could come up again. She stated that she feels that waiving
24 50-60% is fair. Council Member Montgomery stated that Darren Thompson seems like a
25 good citizen who is really trying to work legally through this process and she would be
26 okay with waiving 70%. Darren said he felt this should have been addressed when the
27 property was split, but he is willing to do whatever to resolve the issue and is hoping that
28 the City will consider helping him. Mayor Cronin echoed Council Member Montgomery
29 stating she appreciates the respectful way that Darren has approached the City with this
30 issue. Council Member Montgomery stated that this is a unique situation and she doesn't
31 think that this situation will come up again.

32 **MOTION:** Council Member Montgomery made a motion to waive up to 70% of the impact
33 fees related to Darren Thompson's connection of City utilities at his Business. Council
34 Member Christensen seconded the motion.

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

38
39 **ITEM6: DISCUSSION ITEMS**

40 **A. RESOLUTION 15-09 APPROVING A FRANCHISE AGREEMENT WITH COMCAST**

41 Greg Westfall stated that he and Malone Molgard have reviewed the agreement and made
42 notes of concerns in which Malone will be sending back by email to Comcast for review.
43 Greg reviewed the following sections of concerns:

- 44 • **Section 3.3 Paragraph 3** – *“The grantee will have in all cases the right to*
45 *abandonment of its property.”* Greg stated that the City is not okay with Comcast just

1 walking away from their infrastructure and will require Comcast to clarify, revise, or
2 remove this statement from the agreement.

- 3 • **Section 3.7** – *“Nothing contained in this section shall require the grantee to construct,*
4 *operate, maintain any underground apparatus such as customers taps, lines, or power*
5 *supplies, etc.”* Greg stated that what this states is that they can install lines any way
6 they want, but the City requires that all infrastructures in new subdivisions be
7 installed underground. So this conflicts with the City standards.
- 8 • **Section 6.3 Bonds & Other Surety**–
 - 9 ○ *“Except as expressly provided herein the grantee shall not be required to obtain*
10 *or maintain bonds or other surety as a condition of being awarded the*
11 *franchise.”*
 - 12 ○ *“The franchising authority acknowledges that the legal, financial, and technical*
13 *qualifications of the grantee are sufficient for compliance with the terms of the*
14 *agreement.”*
 - 15 ○ *“The franchising authority agrees that in no event however it shall require*
16 *bond or other surety in an aggregate amount greater than \$10,000.”* Greg
17 advised that you cannot even patch asphalt for \$10,000 so the City has issues
18 with the bond amounts stated and statements that bonds shall not be
19 required.

20
21 Greg stated that is just some of the concerns there were also others that have been noted
22 and sent on to Comcast for review. He said we are not ready to sign this agreement.

23
24 Council Member Lewis asked for more information regarding the Franchise Agreement.
25 Mayor Cronin explained that Comcast has to have an agreement to install their lines in our
26 City. She said that they had an agreement that expired, but that agreement continues until
27 renewed and this is an update to that agreement. She said that this differs from the
28 previous agreement and that is why staff is reviewing it and forwarding any concerns prior
29 to Council action.

30
31 Council Member Christensen said these agreements originated back in the day when the
32 telecommunication industry was a monopoly and they were acting like a State utility, but
33 then the industry was privatized and now must abide by certain standards to provide
34 infrastructure in communities and agree to support the infrastructure. He said that this
35 ability must be leased from the communities. He said that he has some questions regarding
36 the proposed agreement and will get them to Malone. Council Member Christensen
37 expressed his appreciation with having the sections of the document that have changed
38 highlight he said this helped in reviewing the changes.

39
40 Mayor Cronin said this report is to provide an update to the Council so that they can keep a
41 pulse on the agreement as we work with Comcast to finalize it. She instructed the Council
42 to forward any other comments or concerns to Malone and Greg for them to consider.

43 **ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

44 **A. APPROVAL OF CONSENT ITEMS**

- 45 • **APRIL 29, 2015 WORK SESSION MINUTES**
- 46 • **May 7, 2015 CITY COUNCIL MEETING MINUTES**

1 Council Member Montgomery asked if there is really only \$2 being contributed to the
2 Sewer Fund balance. Shanna confirmed at the time that was the planned contribution to
3 Sewer Fund balance but it is now \$5.

4 **MOTION:** Council Member Montgomery made a motion to approve the meeting minutes
5 for the April 29, 2015 Work Session and the May 7, 2015 City Council Meeting. Council
6 Member Christensen seconded the motion.

7 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
8 Council Member Lewis, Abstain Council Member Nelson, Yes
9 **Motion Approved.** 3 Yes, 1 Abstain

10

11 **B. Todd Christensen:** reported that last Saturday Utopia fiber lines were installed from
12 I-15, under the railroad, up 2950 South, down 1200 west to 2450 South, and up to
13 communication hut at the Perry Park. He said that they will light this
14 telecommunication hut up and it will become the redundancy for Perry, Brigham and
15 Tremonton services. He said that now the telecommunication hut is active the City will
16 need to keep an eye on it. Councilman Christensen reported that the Willard City 1200
17 West path is complete and is fantastic, he said as Perry works next year and try to
18 obtain grants it would be nice to complete the Perry portion. Mayor Cronin said that is
19 the funding we almost received last year and we hope to get this next year. Council
20 Member Christensen said he had several discussions over Memorial Day with citizens
21 about why Perry City does not have a cemetery. He said the problem is land and the
22 expense of land. He said it would be nice to put a future cemetery into the City's long
23 term plan. Mayor Cronin said that portions of Perry City pay into the Willard Cemetery.
24 She said that we have a cemetery committee. Council Member Nelson said that she got
25 a committee together but with a lack of funding it is hard to work on a cemetery plan.
26 Greg Westfall said another option is putting together a special service district.

27

28 **C. Peter Gerlach:** absent

29 **D. Jana Nelson:** nothing reported.

30 **E. Esther Montgomery:** nothing reported.

31 **F. Brady Lewis:** nothing reported.

32 **G. Mayor Cronin:** Reporting that the Fourth of July is coming up and there will be a new
33 Pickle ball event.

34

35 **H. Staff Comments:** Greg Westfall reported that H.B. 362 that was discussed in a previous
36 meeting regarding a fuel tax that the County could implement if they so chose and
37 would possibly create funding for local city transportation projects was originally
38 talked about not bringing to the Counties this fall but the following fall. There is now a
39 chance that Salt Lake County will be putting it on the ballot this fall. He said that if this
40 happens most other counties will follow as the Salt Lake Chamber of Commerce will
41 fund advertising for the bill which will benefit the other communities. He said that
42 most likely cities will be asked to pass a resolution in support of the bill. Council
43 Member Christensen asked what percentage of tax will be given if approved. Greg

1 advised this will be a 0.25%. Council Member Christensen asked how closely watched
2 the funding is. Greg stated the funds will be monitored very much like B&C road funds
3 and only be able to be used for specific transportation projects. Greg clarified that this
4 would just be in support of putting the bill on a ballot for the public to vote on at the
5 next election.

6
7 **I. ITEMS FOR NEXT CITY NEWSLETTER**

- 8 • None
9

10 **ITEM 8: EXECUTIVE SESSION**

11 None.

12 **ITEM 9: Adjournment**

13
14 **MOTION:** Council Member Nelson made a motion to adjourn the council meeting.

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

16 The meeting adjourned at 8:26pm.
17
18
19

20 _____
21 Susan Obray, City Recorder
22
23
24
25

Karen Cronin, Mayor

26 _____
27 Shanna Johnson, Chief Deputy Recorder

1 PERRY CITY COUNCIL MEETING
2 PERRY CITY OFFICES
3 June 18, 2015

7:00 PM

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

7 OFFICIALS EXCUSED: Todd Christensen, Jana Nelson

8
9 CITY STAFF PRESENT: Greg Westfall, City Administrator
10 Susan K. Obray, City Recorder

11
12 OTHERS PRESENT: Lani Braithwaite, Tom Peterson, Jerry Nelson, Debbie Nelson,
13 Jim Taylor, Jeff Lloyd, Cooper Lloyd, Bridger Ricks, Kade Hall,
14 Jackson Thurgood, Porter Bischoff
15

16 **ITEM 1: CALL TO ORDER**

17 Mayor Cronin called the meeting to order.

18 **A. INVOCATION**

19 Council Member Gerlach offered the invocation.

20 **B. PLEDGE OF ALLEGIANCE**

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

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

23 **MOTION:** Council Member Lewis made a motion to adopt the agenda. Council Member
24 Gerlach seconded the motion.

25 **ROLL CALL:** Council Member Montgomery, Yes Council Member Gerlach Yes

26 Council Member Lewis, Yes

27 **Motion Approved.** 4 Yes, 0 No.

28
29 **ITEM 2: PROCEDURAL ISSUES**

30 **A. CONFLICT OF INTEREST DECLARATION**

31 None.

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

33 Susan Obray passed out the warrants. Council Member Lewis asked about the Gun Range
34 Warrant. Mayor Cronin stated that would discussed later in the meeting.

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

1 • Angie Lee/Yippy Skippy
2 Mayor Cronin said that this is an online business. There will be no visiting clientele.
3

4 **MOTION:** Council Member Lewis moved to approve the business license for Yippy
5 Skippy. Council Member Montgomery seconded the motion.
6

7 **ROLL CALL:** Council Member Lewis Yes Council Member Gerlach Yes
8 Council Member Montgomery Yes
9 **Motion Approved:** 3 Yes, 0 No.

10
11 **3. Approx. 7:15 PM-Public Hearing and/Or Public Comments (No Vote Needed)**

12 **A. Public Comment**

13 Mayor Cronin welcomed the Scouts and their leaders. She asked each Scout to stand
14 and tell their name and what merit badge they are working on.

15 **Jackson Thurgood:** Communications Badge

16 **Porter Bischoff:** Communications Badge

17 **Cooper Lloyd:** Communications Badge

18 **Bridger Ricks:** Communications Badge

19 **Kade Hall:** Communications Badge

20 Mayor Cronin handed the scouts a Perry City pin.

21 **Jerry Nelson:** Mr. Nelson stated that he is running for City Council and wanted to
22 request that all the City Council Candidates could get a Council Packet minus the legal
23 material. He said this would help them understand what is going on in the city. Mr.
24 Nelson stated in regards to the animal rights he would like to see more discussion and
25 more public input. He said this is a very sensitive issue for a lot of people. Mr. Nelson
26 stated in regards to HB 362 Transportation the raising of the sales tax a quarter
27 percent. He said to remember that it is a raise in taxes.
28

29 **4. Approx. 7:25 PM-Action Items (Roll Call Vote)**

30 **A. Approval of the Warrants**

31 Mayor Cronin reported that the warrant for Jones & Associates was for the Gun Range.
32 She said that we have it budgeted for them to come and help do a concept plan for the
33 entire gun range. She said we had a lot of rain in May and we had more of a lake out
34 there than we did a gun range and so Brett spent some time down there figuring out
35 ways to do some grading to alleviate the water.
36

37 **MOTION:** Council Member Lewis moved to approve the warrants. Council Member
38 Montgomery seconded the motion.

39
40 **ROLL CALL:** Council Member Lewis Yes Council Member Gerlach Yes
41 Council Member Montgomery Yes
42 **Motion Approved:** 3 Yes, 0 No.
43
44
45
46

1 **B. Resolution 15-12 Adopting the Final Tax Rate for Tax Year 2015**

2 Mayor Cronin reported that Resolution 15-12 Adopting the Final Tax Rate for the year
3 2015 is on the agenda for review. She said that this allows us to adopt the certified tax
4 rate for 2015. Mayor Cronin explained we did not need to raise our taxes so we do not
5 need to go through truth and taxation. Mayor Cronin stated by adopting the certified
6 tax rate it allows us to basically have the same amount of money. Mr. Westfall stated
7 that the certified tax rate allows us not have an increase to the existing residents and
8 any of the new growth that came into town whether it is commercial or residential that
9 would be paying taxes it allows us to receive that as additional revenue without a tax
10 increase to the residents. Council Member Lewis asked if it was the same rate as last
11 year. Mayor Cronin stated that the rate was not the same with inflation \$25 is not
12 worth \$25 anymore. She said that is guarantees that we will receive the equivalent
13 buying power as we had before. Mayor Cronin explained if the inflation rate is 2% then
14 we would receive \$25.50. She said it is not an increase in taxes but takes inflation into
15 account. Mr. Westfall stated that the certified tax rate is set by the State.
16

17 **MOTION:** Council Member Montgomery moved to approve Resolution 15-12 Adopting
18 the Final Tax Rate for Tax Year 2015. Council Member Gerlach seconded the motion.
19

20 **ROLL CALL:** Council Member Lewis Yes Council Member Gerlach Yes

21 Council Member Montgomery Yes

22 **Motion Approved:** 3 Yes, 0 No.
23

24 **C. Resolution 15-14 Perry City's Support of Box Elder County Supporting the HB**
25 **362 Ballot Initiative**

26 Mayor Cronin reported that House Bill 362 was passed at the last legislative session.
27 She said what it does is give each county the right to put it on the ballot at any point in
28 the future an initiative to raise money for transportation. Mayor Cronin explained that
29 it is not just for roads, but can also be to fund trails, and sidewalks or any mode of
30 transportation. She said we have to do it as a county, we can't do it city by city. Mayor
31 Cronin stated that for the cities that implement the tax it will be a quarter cent tax rate.
32 Mayor Cronin explained that 10% goes to the city and 10% goes to the county. She said
33 in the areas with bussing and the front runner would receive .05%. Mayor Cronin
34 explained that Salt Lake County, Davis County, Weber County, and Utah County are all
35 looking at putting it on the ballot this year as an initiative. She said these Counties will
36 be putting a lot of money into the campaign to educate people on what it actually does.
37 Mayor Cronin stated that Box Elder County is thinking that it will save us money if we
38 jump on now and ride the wave of the education and take advantage of the free
39 advertising to educate people. She said it is an initiative but the people will still have to
40 vote on it. She explained that it is not like the council voting in a tax increase it will be
41 the residents that will have that choice. Mayor Cronin reported what it would do to a
42 household income of \$60,000 is about \$24.00 a year. She said for the cost of two pizzas
43 it would help bring in some money to help with transportation, roads, and trails. She
44 stated that a lot of communities are looking at the active transportation portion that we
45 could help with. Mayor Cronin stated that we have trail systems that we have mapped
46 out and no way to pay for it. She said this would put a small mechanism in that would

1 help pay for it. Mayor Cronin stated again for a family income of \$60,000 it would be
2 \$24.00 a year. She said that the Mayors met together from Box Elder County and the
3 Mayors that were there were all in support of going forward with the initiative to be
4 Put on the 2015 ballot. She explained that this Resolution gives the people a choice.
5 Council Member Lewis stated we are sending a signal to the county that we are
6 amenable to have this be put on the ballot. Mayor Cronin stated if we did it next
7 year or the year after we would all be paying out more money in advertizing to try
8 to educate the public. She said if we do it when the other counties down south are
9 doing it they are going to be running the radio ads, TV promotions, and people will
10 already be immersed in it. Mayor Cronin reported that Utah League of Cities and
11 Towns have done some preliminary surveys and from the surveys that they have
12 done it looks like 70% of the people are open to this tax. She said
13 people understand that if we want better transportation and better roads, and a trail
14 system then we need to have a funding mechanism. Council Member Lewis asked
15 why the County had to do a Resolution and why it could not be just a head nod. Mayor
16 Cronin stated that the Resolution is the head nod. Greg Westfall stated that the
17 County Commissioners will have to vote on this in an open meeting to allow for it to
18 be on the ballot.

19
20 **MOTION:** Council Member Gerlach moved to adopt Resolution 15-14 expressing
21 Perry City's support of Box Elder County supporting the HB 362 ballot initiative.
22 Council Member Montgomery seconded the motion.

23
24 **ROLL CALL:** Council Member Lewis yes Council Member Gerlach yes
25 Council Member Montgomery yes

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

27
28 **D. Reschedule the July 2, 2015 City Council Meeting**

29 Mayor Cronin stated that the regular City Council meeting is scheduled for July 2, 2015.
30 She said we have some scheduled 4th of July activities in which Council Member
31 Montgomery is chairing. She suggested that the Council Meeting be rescheduled for
32 July 1st. Mayor Cronin said that we do have some baseball games going on and the
33 Mayor's Movie in the Park which is later in the evening. Council Member Lewis
34 asked if it was the same time. Mayor Cronin stated that it would be nice to do it
35 a little earlier so we can get out and be part of the festivities. She said that they
36 thought about canceling the meeting but there are a few things that need to be
37 acted on.

38
39 **MOTION:** Council Member Lewis moved to reschedule the July 2, 2015 City Council
40 Meeting to July 1, 2015 at 6:00 PM. Council Member Montgomery seconded the
41 motion.

42
43 **ROLL CALL:** Council Member Lewis yes Council Member Gerlach yes
44 Council Member Montgomery yes

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

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E. Possible Firework Restrictions

Mayor Cronin stated that last year over the 4th of July there were 6 fires that were caused by fireworks. She said we had to do an emergency ban on fireworks east of Highway 89. Mayor Cronin stated that this year we looked at a more pro-active approach. She explained that she called and talked to Chief Bach the Fire Chief in Brigham City, who covers and does all of our fire responses. She said that he has already been talking with several of the other cities and the State to come up with some kind of assessment of where the fire danger would be. Mayor Cronin stated that he has requested all of the cities to put in place a buffer where they feel the dry grass lands will be and residents are. She said the buffer is noted on the map that she got today from Chief Bach. Mayor Cronin explained that it takes a one block buffer between where the foothills are into the residential areas and ask that those residents don't use fireworks with this restriction. She stated that the restriction will be anything west of the railroad tracks and a block in from the foothills. Greg Westfall held up the map and showed the buffers indicated on the map. Council Member Lewis asked if they could talk about the actual restriction besides the area it would impact. Mayor Cronin explained that this is a recommendation from the Fire Marshal, and from the State Forester. She said we are passing on their request. Council Member Lewis asked if this was the same one from last year. Mayor Cronin replied that last year's restrictions were east of Hwy 89 which was a whole lot easier to control. She stated that the ones who have a hard time with this will be the police. She reported that Chief Weese is in favor of going everything east of Hwy 89 because of the problems we had last year.

Malone explained that the restrictions will be that you can't have open fires unless they are camp fires built within the facilities provided in a campground or picnic area, or permanently improved places of habitation. He said you are going to have fires up into the foothills because of how dry it is. Council Member Lewis asked about a fire pit. Molone stated if you have a permanently improved fire pit in your yard that is ok. Malone explained that smoking is prohibited unless it is in an enclosed vehicle or building, or be in a developed recreation site or an area at least 3 feet in diameter that is barren. Discharge or firing any fireworks or ammunition or other pyrotechnic devices operating a chain saw without spark arrestors, operating motorized equipment for any purpose, motorized equipment for any purpose, operating any mototized vehicle off the designated roads or trails, blasting or welding or any other activities that would generate flames or flammable material. Council Member Lewis asked about welding in a garage. Malone explained that you would not have a garage in those restricted areas.

Mayor Cronin reported that she was sitting next to the Mayor of Herriman and they are going to do a City wide ban on fireworks. She said because those cities down there who have had fires and know how fast they spread are not going to mess around. She stated that we have been lucky enough to not have fires in our foothills for a last couple years.

1
2 She said it takes one spark and that cost comes back to the city. Council Member
3 Lewis asked if Brigham City has passed this resolution. Mayor Cronin stated that
4 Brigham City will pass it tonight and Willard will be doing the same thing. Council
5 Member Gerlach asked how do you make sure people know about it and how do you
6 enforce it. He said it is a lot more extensive than just fireworks. Mayor Cronin stated
7 that it is called a fire restrictive order. Council Member Gerlach felt that it would be
8 confusing to people. She said we will put it on the city website and on Facebook.
9 Mayor Cronin stated that the first time Police would give a warning and it gives
10 something for the police officer to go back on if it gets to be unsafe.
11

12 Malone stated that Brigham City sent us the language and everything will be changed
13 to be applicable to Perry City and will refer to the Perry City code. Malone said that
14 last year the council passed the Perry City cost recovery if the fire department was
15 called out then Perry City could pass that cost on to those that are responsible.
16 Council Member Lewis stated from what he read if he welds in his garage at his house
17 where he is building, or if he rides his 4-wheeler on his weeds he is in violation of the
18 ordinance. Malone stated that it refers to a chain saw having a spark arrestor but not
19 a 4-wheeler. Mayor Cronin asked Malone to add the language referring to 4-wheelers.
20 Malone read the language again, operating a chain saw without spark arrestors,
21 operating motorize equipment for any purpose, operating any motorized vehicle off
22 the designed roads or trails. Council Member Lewis felt that it was too vague because
23 it includes his own property. Malone stated he would e-mail it out to the council
24 members for their input. Council Member Montgomery stated that she feels
25 comfortable taking action on the fireworks restrictions tonight. She said on the
26 motorized vehicles, no smoking except in a enclosed vehicle, there needs to be more
27 thought put into that. Council Member Lewis stated that he felt the same. Council
28 Member Montgomery stated that there is not a time frame attached to the document.
29 Council Member Montgomery stated that she would be willing to discuss the fireworks
30 restrictions. Council Member Lewis stated that we need to table it for now or just
31 accept the fireworks restrictions. Council Member Montgomery asked what council
32 members felt about restricting fireworks east of Hwy 89. Council Member Lewis
33 stated that he likes the boundary that have been set. Greg Westfall stated that he
34 would recommend following Chief Weese's recommendation restricting fireworks east
35 of Hwy 89.
36

37 Jerry Nelson stated that he and Tom Peterson went through this 4 to 5 years ago. He
38 said the reason they went east of Hwy 89 was just for fireworks. Mr. Nelson stated
39 that they invited the residents of the east side to the park and put out tarps so that the
40 people who had those fireworks had some place to come and fire them off. He said
41 that they went with the fireworks portion of it restricting fireworks on the east side of
42 Hwy 89 and if you had fireworks displays that you wanted to do they would contact
43 the Chief of Police. Mr. Nelson said it gave a positive to go with the negative. Mayor
44 Cronin stated that the Mayor and Council invited the residents on the east side last
45 year when they put this in place.
46

1 Mayor Cronin stated that Chief Bach's recommendation is shown on the map and we
2 can be more stringent if we do the east side of Hwy 89. She said that we can approve
3 the portion that deals with fireworks and if Chief Bach feels strongly about the others
4 we can invite him to our next meeting. Council Member Gerlach felt that we should
5 keep with the fireworks portion and table the rest of the items. Council Member
6 Montgomery stated that she would like to focus just on the fireworks and following
7 Chief Weese's recommendation. Council Member Lewis asked if they had the
8 boundary description written out in the ordinance. Malone stated that it says see
9 attached map. Mayor Cronin stated that we can add the text of the boundaries.

10
11 **MOTION:** Council Member Lewis moved to approve Resolution 15-08 with the
12 amended changes to include striking under section 2 items A,B,D, E and F and also
13 including the attached map recommended by Chief Bach. Council Member Gerlach
14 seconded the motion.

15
16 **ROLL CALL:** Council Member Lewis yes Council Member Gerlach yes
17 Council Member Montgomery yes
18 **Motion Approved:** 3 Yes, 0 No.

19
20 **5. Approx. 7:45 PM-Discussion**

21 **A. Resolution 15-09 Approving a Franchise Agreement with Comcast**

22 Mayor Cronin stated that Malone has been out of the Country and so he hasn't had time
23 to review the Franchise Agreement with Comcast. Greg Westfall stated that we will still
24 operate under the old agreement.

25 **B. Large Animals in Residential Zones**

26 Susan Obray stated that the Planning Commission has meet for several months
27 discussing the large animal ordinance. She said that the Planning Commission made
28 their recommendation of eliminating large animals in the R1/2, R1/3, R1 and R2. She
29 said that in regards to the R1/2 zone which has been a conditional use will be changed
30 to a permitted use in that zone. Susan Obray explained that it would allow large
31 animals in the Agricultural, Agricultural Limited, R1A and RE1/2 and the rest of the
32 residential zones the large animals would be eliminated. Mayor Cronin asked what the
33 reasoning behind the elimination was in these zones. Susan stated that some of the
34 discussion was that they didn't want to have large animals in the low density residential
35 areas. Commissioner Tom Peterson stated that was the consensus of the whole
36 Planning Commission. Council Member Lewis asked if there was discussion regarding
37 the small animals and fowl. Commissioner Peterson stated that it was just the large
38 animals. Susan Obray reported that the Planning Commission had a public hearing and
39 no one attended. Mayor Cronin said she remembered that this was requested from
40 several residents that we look at it. Commissioner Peterson stated that this is a result
41 of what took place with the Cherry Ridge developer. He said by ordinance we allowed
42 large animals in residential zones and we don't want to be in that situation again.
43 Mayor Cronin stated that the Planning Commission wanted to say no but there was
44 nothing to give them the backing to do that. Commissioner Peterson stated that our
45 ordinance allowed it, and there was a conflict in our ordinances. He said we don't want
46 to have this happen again. Council Member Montgomery stated that this ordinance is

1 not consistent with the ordinance that the council passed regarding chickens and we
2 need to look at that. She said that she would like to see 15.07.020.3 Rural Residential
3 regarding small animals on number 2. She felt that it needed to be tightened up. Mayor
4 Cronin stated that this is not up for action and can be included in the next addition. She
5 suggested that when this ordinance comes back that it is underlined and highlighted
6 showing the changes that were made. Council Member Lewis stated on title 15-
7 07.020.3 is says that large animals are considered: horses, cattle, sheep, goats, pigs etc.,
8 and small animals are considered chickens, turkeys, ducks, geese etc. He felt that it
9 should be tightened up a bit. Mayor Cronin stated that it needs to be changed to make
10 it more grammatically correct. She said that we will be getting an intern this summer
11 that is working on their English major and they can help with that. Council Member
12 Gerlach stated that the changes make sense. He said if there are people in the
13 community that have concerns he would be interested in hearing about it.
14

15 **C. Sale of Real Property**

16 Greg Westfall, Perry City Administrator stated this draft ordinance consists of real
17 estate which includes land, or structures. He said by State law it is required to adopt an
18 ordinance that says we can sale land or structures. He said we will be noticing a public
19 hearing at the next City Council meeting and have an ordinance to put in place for the
20 sale of real property according to State law. Mr. Westfall stated that it is required to
21 have a 14 day notice, and a public hearing to allow public comment on why we are
22 selling property and then approve the sale of that property. He stated that this is the
23 paperwork creating the process to follow State law ordinance to sale real property.
24 Greg stated that this will be an ordinance that will be on the next City Council agenda.
25

26 **D. Fourth of July Activities & Assignments**

27 Mayor Cronin stated that we have everything in order to do the pickle ball tournament.
28 She said that it will be held in Brigham City but will be a part of our 4th of July festivities.
29 Mayor Cronin reported that Ryan Eddington and Greg Westfall will be heading that up.
30 Council Member Montgomery stated that she needed a judge for the Perry's Got Talent.
31 She said that she wanted to invite one of the Council Members to be a judge. Council
32 Member Montgomery stated that it will be held on Thursday Night, July 2nd and she had
33 lined up Mardi Obray, and Jeff Hadfield to be other judges. Council Member Lewis
34 stated that he would help out and be the other judge.
35

36 **E. Tour of Utah**

37 Mayor Cronin stated that she and Greg Westfall have been working on the Tour of Utah.
38 Mr. Westfall explained they watched the presentation video on the tour of Utah and it is
39 one of the most prestigious bike races in north America. He explained that it will be held
40 on Tuesday, August 4th and will be coming through around 12:15pm to 12:30 pm. Greg
41 stated that Perry City will be responsible for closing all entrances to Hwy 89 both east
42 and west. He said the east side will be closed for a 15-20 minute period while the bikes
43 go through. Greg stated that the goal is to have all the kids show up and line both sides
44 of Hwy 89. He said we will have boom sticks to make noise, cow bells we can ring. He
45 said the goal is to get as many people as we can get and make as much noise as possible.
46 Mr. Westfall stated that there will be goodies that will be handed out and after the event

1 there will be ice cream sandwiches or popsicles. He said after the Tour of Utah the
2 police department will have their National Night Out starting at 1:30 in the afternoon.
3 He said at the National Night Out there are things that you can win, such as bikes and
4 other prizes. Greg reported that we have been awarded \$500.00 from the County to
5 help us throw our block party. He said that we plan to have a dunk tank, ice cream
6 sandwiches, and other festivities. Greg stated that there will be other things that we
7 will want to do along Hwy 89 for the 20 minute block. He asked Council Members to be
8 open for ideas and help. He said after that it will be moved to the Perry Park. Mayor
9 Cronin stated that they will be starting the leg of the tour in Tremonton and riding out
10 through Bothwell and out west. She said then they will come back through Tremonton
11 and over to Honeyville, Deweyville and follow that road down through Brigham City,
12 Perry, and Willard and then take the road through the Ogden Pass over into Eden, and
13 back down to end in Ogden.

14
15 Mayor Cronin stated that is the second day, the first day starts in Logan and goes over
16 to Bear Lake and back down through the Canyon. She said they will be closing Logan
17 Canyon that day to bring the tour through. Mayor Cronin stated that a lot of the bikers
18 that will be here are the same bikers that will have just got off the Tour of France, so it
19 is one of the top 5 bike races in the United States. She explained that they will have a
20 tent set up in Tremonton so people can go out and talk to the bike racers and get their
21 autographs. Greg stated that the goal is to get as many people along the Hwy to
22 showcase our support. Mayor Cronin stated this will be on news channels across the
23 United States. She said one of the things they talked about is having a comicon type
24 event at Walker Cinemas where people will dress up like their favorite movie character
25 and we would give prizes for that. Mayor Cronin encouraged the scout groups to get
26 involved and wear their scout uniforms. Greg Westfall stated that we are trying to
27 congregate people at Walker Cinemas, and on the side of the Highway up from the Perry
28 Park.

29
30 **6. Approx. 8:10 PM-Minutes & Council/Mayor Reports (Including Council**
31 **Assignments**

32 **A. Approval of Consent Items**

- 33 • **May 21, 2015 City Council Meeting Minutes**
- 34 • **June 4, 2015 City Council Work Session Minutes-Tabled**
- 35 • **June 4, 2015 Council Meeting Minutes-Tabled**
- 36 • **June 4, 2015 RDA Meeting Minutes-Tabled**

37 **MOTION:** Council Member Lewis moved to approve May 21, 2015 minutes with the
38 grammatical changes included. Council Member Montgomery seconded the motion.

39
40 **ROLL CALL:** Council Member Lewis yes Council Member Gerlach yes
41 Council Member Montgomery yes

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

43
44
45 **B. Todd Christensen:** Absent

1 **C. Peter Gerlach:** Council Member Gerlach stated that he has had a few residents have
2 expressed concerns that the restrooms at the soccer park, and the Nature Park are
3 locked when they need to use them. Greg Westfall stated that he has talked with
4 Greg Braegger and couldn't remember the time frame, but they are locked for the
5 night because of vandalism. Mayor Cronin stated that they are locked after dark but
6 he tries to leave them open through the daylight hours. Mr. Westfall stated that he
7 would talk with Greg Braegger again regarding the restrooms. Council Member
8 Gerlach suggested having a volunteer lock the restrooms at night and that way Greg
9 Braegger doesn't have to come back and lock them. Council Member Gerlach stated
10 that he has had people tell him different time frames that they are locked. Mayor
11 Cronin stated that an e-mail will be sent out to include the different time frames so
12 that we all will know when they are locked.

13 **D. Jana Nelson:** Absent

14 **E. Esther Montgomery:** Council Member Montgomery stated that she is working on
15 something big and wants to wait to let everyone know after girls camp and after the
16 4th of July. She said that she anticipates a very favorably response from the
17 community.

18 **F. Brady Lewis:** Council Member Lewis stated that when the Council approved the
19 gun range signs he remembers specifically that a map was going to go on the right
20 side of the sign. He asked where we are we at with the process. Mayor Cronin
21 stated that she thought there was going to be a logo of the range and not a map. She
22 said Eric Halter has the signs. Mayor Cronin stated that she will check on this.

23
24 **G. Staff Comments**

25 Greg Westfall stated that Paul Nelson has given his retirement notice. He reported
26 that we noticed the position to rehire for the public works director. Greg stated that
27 the notice was out for a while and realized that it was not noticed in some of the
28 places it should have been. He said the notice has been out for a month and we took
29 a look at the applications that we received. He reported that they have issued a job
30 offer and it has been accepted by Greg Braegger. Greg Westfall stated that Greg has
31 been with the City for 9 years and has some good ideas. He said that Greg has been
32 working with Paul to glean as much information as he can. Mr. Westfall stated that
33 Paul has been gracious enough to offer to answer any questions and be available if
34 needed. Greg stated that we will be advertising for another position in the public
35 works department.

36 **Mayor Cronin:** Mayor Cronin stated in addition to that there are some seasonal
37 positions open. She said they prefer them to be 17 years or older.

38
39 **H. Items for Next Newsletter**

40 Mayor Cronin stated that if the Council Members have any items for the news letter
41 they can e-mail them to her.

42
43 **7. Approx. 8:45PM-Executive Session (If needed)**

44 **MOTION:** Council Member Lewis moved to close regular meeting and move to an
45 executive session regarding the sale of real estate. Council Member Montgomery
46 seconded the motion.

1
2 **ROLL CALL:** Council Member Lewis yes Council Member Gerlach yes
3 Council Member Montgomery yes
4 **Motion Approved:** 3 Yes, 0 No.
5

6 The Regular Public meeting closed at 8:10 pm.
7

8 **MOTION:** Council Member Montgomery moved to close the executive session and
9 open the Regular Public meeting. Council Member Lewis seconded the motion.
10

11 **ROLL CALL:** Council Member Lewis yes Council Member Gerlach yes
12 Council Member Montgomery yes
13 **Motion Approved:** 3 Yes, 0 No
14

15 The Regular Public meeting reopened at approximately 8:35pm.
16

17 **8. Action Items (Roll Call Vote)**

18 **A. Resolution 15-13 approving the Mayor to enter into an Exclusive Listing**
19 **Agreement with Coldwell Banker Commercial**

20 Mayor Cronin said that Resolution 15-13 is approving the Mayor to enter into an
21 Exclusive Listing that will be favorable with Perry City.
22

23 **MOTION:** Council Member Lewis moved to approve Resolution 15-13 approving
24 The Mayor to enter into an Exclusive Listing that will be favorable with Perry City.
25 Council Member Montgomery seconded the motion.
26

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

31 Mayor Cronin stated that she and Greg Westfall attended the County Commission
32 Meeting last night and requested that the back taxes, fees, and interest be waived for
33 Point Perry since Perry City has taken this on as a project in a foreclosure. She said
34 they made the argument that it would be beneficial for the County to have some
35 retail coming in there. Mayor Cronin stated that they waived the fees and interest
36 and deferred the taxes to whenever a new tenant came into purchase the land.
37 Mayor Cronin stated that it would be \$36,000 in taxes that Perry City would have to
38 pay.
39

40
41 **B. Motion to Approve Mayor & Staff to Negotiate Concerning the Sale of City**
42 **Property Located at Approx. 900 West and 2550 South**

43 Mayor Cronin stated this motion is to approve Mayor & Staff to Negotiate
44 Concerning the sale of City Property located at Approx. 900 West and 2250 South
45 with the caveat that the sale does not create undue cost due to loss of any money the
46 City already has into that land.

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MOTION: Council Member Gerlach moved to approve Mayor & Staff to Negotiate Concerning the sale of City Property located at Approx. 900 West and 2250 South with the caveat that the sale does not create undue cost due to loss of any money the City already has in to that land. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Lewis yes Council Member Gerlach yes
Council Member Montgomery yes

Motion Approved: 3 Yes, 0 No

9. Approx. 9:00 PM-Adjournment

MOTION: Council Member Montgomery moved to adjourn the Council Meeting.

Motion Approved. All Council Members in favor.

The meeting adjourned at 9:10pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder

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

7:00 PM

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

8 OFFICIALS EXCUSED: Jana Nelson

9
10 CITY STAFF PRESENT: Greg Westfall, City Administrator
11 Malone Molgard, City Attorney
12 Shanna Johnson, Chief Deputy Recorder

13
14 OTHERS PRESENT: Lani Braithwaite, Shelly Gomez, Darren Thompson, Lawrence
15 Gunderson

16 **ITEM 1: CALL TO ORDER**

17 Mayor Cronin called the meeting to order.

18 **A. INVOCATION**

19 Council Member Lewis offered the invocation.

20 **B. PLEDGE OF ALLEGIANCE**

21 Mayor Cronin led the audience in the Pledge of Allegiance.

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

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

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

28
29 **ITEM 2: PROCEDURAL ISSUES**

30 **A. CONFLICT OF INTEREST DECLARATION**

31 None.

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

33 Shanna Johnson passed out the warrants. She explained that there is an extra warrant that
34 has been included for Screen Printers Plus. She advised that this is for our 4th of July T-
35 Shirts which will be delivered tomorrow.

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

- 37 • None

1 **ITEM 3: PUBLIC HEARING**

2 **A. PUBLIC HEARING REGARDING ORDINANCE 15-J AMENDING THE DISPOSAL OF**
3 **PUBLIC OWNED PROPERTY**

4 Council Member Christensen asked if the word disposal could be changed to sale. Malone
5 Molgard stated that property is not always sold. He said that this is term used in the State
6 statute.

7 **MOTION:** Council Member Gerlach made a motion to open a public hearing to discuss
8 Ordinance 15-J Amending the Disposal of Public Owned Property. Council member
9 Montgomery seconded the motion.

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

13
14 **Jerry Nelson:** said he is in support of the City passing Ordinances that comply with State
15 law. He asked when property or parcels for sale would be listed for public to make
16 comment. He said in the ordinance it states that this will be 2 weeks prior to property
17 being listed. He said there are a lot of ½ acre parcels in town that people would like to see
18 become parks.

19
20 **MOTION:** Council Member Gerlach made a motion to close the public hearing. Council
21 Member Montgomery seconded the motion.

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

25
26 **ITEM 4: ACTION ITEMS**

27 **A. APPROVAL OF THE WARRANTS**

28 **MOTION:** Council Member Gerlach made a motion to approve the warrants including the
29 additional warrant for Screen Printers Plus (4th of July T-Shirts). Council Member
30 Montgomery seconded the motion.

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

34
35 Approx. 7:15p.m.

36 **B. ORDINANCE 15-J AMENDING THE DISPOSAL OF PUBLIC OWNED PROPERTY**

37 Council Member Christensen asked after approval of the ordinance how long it would take
38 to get it online. Malone Molgard answers a few days to a week. Mayor Cronin asked if
39 there are any other questions regarding the ordinance. There were no questions. Mayor
40 Cronin asked if there was anyone else in the public that had any further comments
41 regarding the ordinance. There were no comments.

42
43 **MOTION:** Council Member Lewis made a motion to approve Ordinance 15-J Amending the
44 Disposal of Public Owned Property. Council Member Montgomery seconded the motion.

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

5 **C. AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH BOX ELDER COUNTY FOR**
6 **ELECTION SERVICES**

7 Mayor Cronin explained that Susan Obray asked we put forth action to authorize the Mayor
8 to sign a contract with Box Elder County for election services. She said that we did look at
9 the vote by mail option, but it was more expensive than the traditional election process.
10 Council Member Christensen confirmed that these services were included in the budget.
11 Shanna Johnson said yes.

12 **MOTION:** Council Member Christensen made a motion authorizing the Mayor to sign a
13 contract with Box Elder County for Election Services. Council Member Montgomery
14 seconded the motion.

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

19 **D. Citizen Concern Regarding Residency & Fire Restrictions**

20 Mayor Cronin advised that she received a written letter with concerns regarding a couple
21 of issues:

22 **1. Fire Restrictions:** Mayor Cronin explained that the citizen has concerns with
23 fireworks and requesting that fireworks be done in a public safety where a fire
24 department can oversee and be involved. She said that fire restrictions were
25 discussed in the last meeting and fireworks were restricted in the areas outlined by
26 Brigham City Fire Chief Bach (restricted 1 block west of the foothills on the east side
27 of town and west of the tracks on the west side of town). Council Member
28 Christensen said that in the past fireworks have been restricted east of Highway 89.
29 He said that the current restriction is confusing and recommended extending this to
30 East of Highway 89. Mayor Cronin said that east of Highway 89 is the restriction
31 that Police Chief Weese recommends; she and Greg Westfall were also in support of
32 this restriction being extended to all areas east of the Highway. Council Member
33 Lewis said that there is a map on the website that clearly outlines the restricted
34 area. He said he can see their concern but there was a good conversation about this
35 last meeting and he is confident with the decision that was made. Mayor Cronin said
36 she is concerned that if there is a fire in the foothills that is a huge liability on the
37 City. She said that there was a discussion about this, but she felt it was worth
38 discussing this again. Council Member Montgomery said she is comfortable with the
39 restrictions that were set last time, but also thought that Chief Weese'
40 recommendation was fine, restricting all fireworks east of the Highway and offering
41 those who would like to light fireworks to do this at the Perry Park. Council
42 Member Lewis said that the current restrictions have been set and placed on the
43 City website. He said that many people have already purchased fireworks based on
44 the current restrictions and he feels that some may see it as negative to change this

1 today. Mayor Cronin said that we had 6 fires last year during 4th of July and one
 2 property was set on fire by someone’s fireworks. She said she can see Council
 3 Member Lewis’ point of view, but also the point of view of this citizen. Mayor Cronin
 4 said that the restrictions can be amended to be more conservative if the Council
 5 would like. Council Member Lewis said that he agrees but he feels that the time to
 6 change this would have been last meeting. Greg Westfall said that Chief Weese
 7 expressed that the current restriction is an enforcement issue it is a lot easier for
 8 them to enforce the east of the highway boundary. Mayor Cronin asked for input
 9 from each Council Member. Council Member Montgomery said she would like to
 10 follow Chief Weese’ counsel. Council Member Gerlach said that it would be hard to
 11 tell people we have extended the restriction at this point as it is only 3 days away
 12 from the 4th of July. He said it is too last minute to inform anybody. He said that if
 13 someone starts a fire they are responsible for the costs associated with it. Mayor
 14 Cronin said that extending the restriction does give the Police the ability to give
 15 warnings and then citations if the use continues or becomes out of hand. Council
 16 Member Christensen said that in his opinion firework use should be restricted in all
 17 areas east of Highway 89 and west of the tracks. He said he is not worried about the
 18 timeframe available to inform residents. Council Member Lewis said he can see all
 19 of the concerns brought up, but there are hundreds of homes that from one week to
 20 the next would not be able to do fireworks therefore he is not comfortable in
 21 extending the restricted area. He said he would not take any action today. Council
 22 Member Christensen said that residents could still light fireworks at the Perry Park.
 23 He said that this area is irrigated and has more open space. Mayor Cronin said that
 24 the issue with areas east of Highway 89 is the proximity to other homes and to the
 25 foothills, which could start a fire that the City would be responsible to pay for.
 26 Council Member Christensen said the Perry Park is a much safer place to light
 27 fireworks than east of the Highway.

28 **MOTION:** Council Member Lewis made a motion to table action concerning firework
 29 restrictions. Council Member Gerlach seconded the motion.

30 **ROLL CALL:** Council Member Christensen, No Council Member Montgomery, No
 31 Council Member Lewis, Yes Council Member Gerlach, Yes
 32 Mayor Karen Cronin, No
 33 (Mayor Cronin voted due to a tie vote.)
 34 **Motion Failed.** 2 Yes, 3 No.

35
 36 **MOTION:** Council Member Christensen made a motion to extend the fire restriction for
 37 July 4th and July 24th holidays to include all areas east of Highway 89, West of the railroad
 38 tracks, and residents adjacent to the pit in the Cherry Ridge Subdivision. Council Member
 39 Montgomery seconded the motion.

40 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
 41 Council Member Lewis, No Council Member Gerlach, Yes
 42 **Motion Approved.** 3 Yes, 1 No.

43
 44
 45

1 **2. Residency of Council Member Lewis:**

2 Mayor Cronin read a letter received a resident concerning the residency of Council
 3 Member Brady Lewis. The citizen was concerned that he had moved outside of Perry
 4 City limits, yet was still acting as a City Council Member and making decisions that
 5 affect the City and them as a tax payer.

6
 7 Mayor Cronin said that she received an email from Council Member Lewis a couple of
 8 months ago stating that he had moved out of the city limits due to some issues with
 9 housing. She said that she consulted with Greg Westfall regarding the issue and after
 10 receiving his input she also went to our City attorney Malone Molgard to get his input.
 11 She said after gathering input she asked Council Member Lewis to come in and talk with
 12 them. She said she has talked with a few residents with concerns and advised that if
 13 they have deep concerns she would appreciate the concerns in writing. She said that
 14 this is the first one she has received in writing so at this time she is addressing the issue.

15
 16 She asked Greg to share with the Council the input he gave her regarding this issue and
 17 any other information he may have regarding this situation. Greg said that when he
 18 was asked to look at this he referred to State code. He said there are two codes that
 19 apply:

- 20 • 10-3-301:
- 21 ○ 4A: which states that each elected officer of a municipality shall maintain a
 - 22 residence within the boundaries of the municipality during their term of
 - 23 office; and
 - 24 ○ 4B: which states if an elected officer of a municipality establishes a principle
 - 25 place of residence as provided in section 20A-2-15 outside of the
 - 26 municipality during the officer’s term of office the office is automatically
 - 27 vacant.

28 Greg stated we must look at section 20A-2-105 to identify what the code is trying to talk
 29 about.

- 30 • 20A-2-105:
- 31 ○ 1A: states a principle place of residence means a single location where a
 - 32 person’s habitation is fixed and to which whenever the person is absent the
 - 33 person has the intention of returning.
 - 34 ○ 1B: includes the definition of a resident, as a person whose principle place of
 - 35 residence is located in a specific voting precinct in Utah.
 - 36 ○ 3E-i: except as provided in sub-section 3E-2 or 3E-3 a person has not lost the
 - 37 person’s principle place of residence in Utah, or voting precinct if that person
 - 38 moves to a foreign Country, another State, or another voting precinct in Utah
 - 39 for temporary purposes with the intention of returning.

40 Greg said the way he understands the State Code to be written is that 3E-i applies unless
 41 3E-ii or 3E-iii overrides this rule. He then reviewed these sections:

- 42 ○ 3E-ii: says if a person leaves the State or voting precinct and votes in another
- 43 State or voting precinct they are no longer a resident.
- 44 ○ 3E-iii: says a person loses their principle place of residence in Utah or in a
- 45 precinct if after the person moves to another State or another precinct under
- 46 subsection 3E-i the person forms the intent of making the other State or
- 47 precinct the person’s principle place of residence.

1 Greg stated that 3E-ii does not apply and you would need to go to definition of a principle
2 place of residence listed in 1A to clarify 3E-iii. He then reviewed the following sections that
3 may apply:

- 4 ○ 3G: states that a person loses the person's principle place of residence in
5 Utah or precinct if the person moves to another State or precinct with the
6 intention of making the other State or precinct their principle place of
7 residence.
- 8 ○ 3H: details that if a person moves to another state or precinct with the intent
9 of remaining there for an indefinite time as the person's principle place of
10 residence the person loses the person's residence in Utah or the precinct
11 even though the person intends to return at some future time.

12
13 Greg stated that these are the sections of State code that he reviewed when he was asked to
14 look at this issue. He said that this information was presented to the Mayor and they have
15 had lengthy discussion regarding the matter. He agrees that there is a little bit of a gray
16 area at times in the code and it can possibly be interpreted in different ways. He stated that
17 his interpretation of the code at this time regarding this circumstance is that the principle
18 place of residence has been changed.

19
20 Malone Molgard reviewed the history of this issue, stating that Council Member Lewis came
21 to him back in March of 2015 with some questions. He said Council Member Lewis
22 explained to him that he was living in a rental house and there was a potential that this
23 could be sold leaving him without a place to live. Council Member Lewis reported that he
24 was planning to build a house and was concerned regarding finding another rental home in
25 Perry. He had thought he would have a hole in the ground in a few weeks and would be
26 moving into the new home within 6 months. Malone stated that based on the facts given to
27 him at the time, he had advised Council Member Lewis that he thought he was on solid
28 ground. Malone stated that circumstances have changed and the ways that things have
29 worked out are a little different than planned. He said based on the statute specifically
30 section 3H which refers to moving to another State or precinct for an indefinite amount of
31 time, he agrees with Greg Westfall that Brady Lewis would not be able to stay on as a City
32 Councilman.

33
34 Council Member Lewis read a statement that he prepared detailing his intentions so that
35 they are understood:

36 "When elected I lived n Maple hills of Perry with no intention of leaving Perry. Without
37 having our house on the market, a family made an offer on our home. We took the offer
38 and immediately bought a lot down the street and began working on plans to build. While
39 we prepared to build we moved into a rental home on 2700 South. In the early part of this
40 year the house we were renting was put on the market. Knowing that we would possibly
41 need to find another home and only after not finding anywhere in Perry to rent, I wrote our
42 City Attorney seeking counsel. On March 23, 2015 I outlined the situation and followed it
43 with the statement that 'I looked into Perry's Ordinance and can't find anything for City
44 Council, but do see some things for Planning Commission, what say ye.' On March 25, 2015
45 Malone wrote me back citing Utah Code 10-3-301 eligibility requirements for municipal
46 office section 20A-2-105..."

47 Council Member stated this section was reviewed earlier in the meeting, but highlighted
48 the section referring to moving for temporary purposes with the intention of returning.

1 Council member Lewis continued reading his statement:

2 “Malone advised me that with my intent to temporarily move outside of the City under the
3 conditions stated while I build my home would not be in violation of the law. I followed up
4 with qualifying questions and subsequent emails to make sure I understood his counsel to
5 which he replied in the affirmative. With this advice well in advance, I continued to look for
6 a new residence in Perry. When the time came that I had to vacate the rental home, I had
7 not found a place inside City limits to reside while I built my home in Perry. In parallel my
8 builder had given a verbal agreement that he would commence construction within the
9 month, but then proceeded to delay because he was too busy. He has since then resorted to
10 avoiding communications with me and I have been forced to start over with another
11 builder. For this reason our construction has been delayed and I am getting bids from
12 other builders. With previous counsel I advised he Mayor on May 4th of my situation and
13 proceeded to move all of our belongings to a storage shed in Perry and began to stay in my
14 parent’s home in Thatcher since they had left on their mission. My current status is this:

- 15 • All of my things are in storage in Perry;
- 16 • My children continue to go to school in Perry;
- 17 • I do not vote outside of Perry;
- 18 • I go to church in Perry;
- 19 • I own land in Perry;
- 20 • I am soon to reside in Perry permanently once my home is finished;
- 21 • I only live temporarily outside of Perry due to external consequences;
- 22 • I am serving as a City Council Member of Perry because I love this City and want to
23 serve it;
- 24 • I have donated hundreds of hours and have made a significant investment to bring
25 myself to the point of being an asset to the City;
- 26 • I intend to continue to serve in my capacity as a City resident, though temporarily
27 displaced.

28 Thanks for your consideration.”

29
30 Council Member Lewis said he prepared this statement at about 3:00pm, before meeting
31 with Greg Westfall. He said until today he did not know that anything he was doing was
32 possibly outside of the law. He said to be honest right not he is a little bit in limbo and is
33 unsure what his and the City Councils next steps should/could be.

34
35 Mayor Cronin stated with that she would like to add a couple more things that have been
36 done. She said that she did contact the Utah League of Cities and Towns (ULCT) and asked
37 for a little more definition on the statutes. She said some of the questions the ULCT had
38 were:

- 39 • Where was the mailing address for the elected official;
- 40 • Where would the individual go at the end of each day; and
- 41 • Would the individual be eligible to vote in the precinct they serve?

42
43 Mayor Cronin asked Council Member Lewis where his mail is sent. Council Member Lewis
44 answered in Thatcher. Mayor Cronin asked Greg and Malone if his mailing address is in
45 Thatcher would he be able to vote in Perry City. Greg said he was unsure. Council Member
46 Christensen said it would be more for an election judge. Malone stated that section 4 of

1 Utah Code 20A-2-105 talks about election criteria that an election judge would use in
2 determining eligibility to vote, which includes:

- 3 • Where the person’s family resides;
- 4 • Whether the person is single, married, separated, or divorced;
- 5 • Where the person usually sleeps;
- 6 • Where the person’s minor child attends school;
- 7 • The location of the person’s income source and business pursuits;
- 8 • The location of real property owned by the person;
- 9 • The person residence for purpose of taxation;
- 10 • And other relevant factors.

11
12 Malone stated that these are the things that are considered when reviewing voter
13 eligibility. He said he thinks that what Greg brought up regarding what the intent to return
14 is and the principle residence, there is a lot of gray in the statutes and he personally
15 believes that in March when they exchanged emails and based on the set of facts that were
16 presented: that within 2 weeks they would have a hole in the ground, he would be moved
17 back in to city limits within 6 months, and that he would be living in the rental house as
18 long as possible he was fine to continue as an elected official. He said now it is 3 months
19 later, there is no hole in the ground, and indefinite plans for completion of the home, this
20 situation now falls under section 3H. Malone said there are some options for the Council
21 one is that we can send this to the State Lieutenant Governor’s office and ask them for
22 clarification given the set of facts that we have. Mayor Cronin said that the other issue with
23 this is that if challenged by a citizen, council member or the Mayor and if it is found that the
24 office should have been vacant and he voted on something, the action could come back up
25 and be nullified. She said that the last thing that she asked Greg to look at is that there was
26 a situation similar to this in Pleasant Grove. She asked him to look at this situation and the
27 outcome. She asked Greg to review this.

28
29 Greg said that Utah Representative Craig Frank from the Pleasant Grove, Cedar Hills,
30 American Fork area. He chose to move to an area he thought was in his voting precinct. He
31 found out after that the boundaries had been changed and it was found that he no longer
32 qualified to hold office and was not allowed to keep his seat. Mayor Cronin advised that if
33 this is sent to the Lt. Governor’s office this may be the outcome. Council Member
34 Christensen stated he felt the fact pattern was different in this situation.

35
36 Council Member Lewis said that he ran for office to serve the community and the citizens.
37 He said that he does not want to make this a circus. He thought he was working within the
38 law and if he is not he has no intention of continuing my duties. He stated he would like to
39 offer his resignation. Mayor Cronin said she is not sure that is where we are going with
40 this; we are just trying to find out what the law is and how we can abide by it. She advised
41 that might mean that you move back to the city, or another option. Council Member Lewis
42 said that is his resignation and there really is nothing else to discuss.

43
44 Council Member Christensen clarified the difference in this case compared to the case
45 referred to. He said that Council Member Lewis is living in a family member’s home, he
46 does not pay property tax there, he owns property in Perry City, his children attend school
47 in Perry City, and he pays property tax in Perry. He said that as he looks at it Council

1 Member Lewis meets 4 of the election criteria. He said there is no doubt that he sleeps in
2 Thatcher. Council Member Christensen said that he has only known about this issue for 4-5
3 days. He suggested to Council Member Lewis that this case be sent to the Lt. Governor's
4 office and based on their timeframe we put a soft hold on the issue and revisit it in 30 days.
5 He said at that time if he has a contract with a builder and is building a home in Perry; that
6 shows intent to return. He said those are his observations. He said there are some things
7 that show that he has intent to return. Malone agreed that the difference in this case
8 compared to the Craig Frank case is that Mr. Frank moved and there was no intent to
9 return to the voting precinct. He said that there is a lot of gray area and the only way to
10 clarify this is to go to the Election officials which is the Lt. Governor's office and let them
11 issue an opinion. Malone said that he does not think that Council Member Lewis has done
12 anything maliciously, things just changed.

13
14 Council Member Montgomery said that although his time to return may be indefinite, she
15 does not believe his intent was ever to vacate his position or the city. Mayor Cronin agreed
16 and said we just need to get clarification.

17
18 Council Member Lewis said this is difficult because on one hand some of the things that
19 were said suggested that he was bringing liability to the city and it is just not worth it. It's
20 not worth paying to be on the City Council. He stated that he does this as a service and
21 there are plenty of people who could do this job. On the other hand he put his name on the
22 ballot and feels a duty to the people who voted for him to fulfill the term that he signed up
23 for. He said half of the information brought up tonight is new to him that he has not even
24 had time to process it. He advised that he has no problem in resigning if it is for the good of
25 the city; he is not here for power, or an agenda, or anything else. He said that if everyone
26 would legitimately like for him to stay and this is something we would like to fight for, than
27 he would be open to that as well. He said if it is bringing liability to the city he does not
28 think it is worth it.

29
30 Council Member Christensen suggested that Council Member Lewis not attend City Council
31 meetings for 2 meetings or until the Lt. Governor's office has had time to review the case
32 and until he has a contract with a builder. He said this would ensure that Council Member
33 Lewis will not be voting on anything, but will retain his seat.

34
35 Mayor Cronin said she took a little bit of exception to the statement regarding the
36 information being new. She said that she and Greg Westfall went over these facts with
37 Council Member Lewis back in May. She advised that we have been waiting until a citizen
38 brought the issue forward. She stated that Council Member Christensen has put out a good
39 suggestion. She said that no one has tried to withhold information. Council Member Lewis
40 explained that he did not mean to insinuate that information was withheld. He said that
41 the only thing that is new is that from previous conversations with Malone regarding the
42 situation he was okay and now it is suggested that he may not be okay to continue as an
43 elected official. Council Member Christensen stated this information is however new to the
44 Council.

45
46 Malone agreed with Council Member Christensen's plan and stated that if the information
47 comes back from the Lt. Governor's office in a week and is in favor of Council Member
48 Lewis continuing as an elected official we could reinstate him at that time.

1 Council Member Lewis clarified that the Mayor and Council are denying his resignation.
2 Mayor Cronin said that Council Member Lewis would need to withdraw his resignation
3 because at the end of the day it is Council Member Lewis who will have to stand up to the
4 choice and it would be his duty to demonstrate that the position was not vacated. Mayor
5 Cronin said the City is here to support him and provide resources to him. Council Member
6 Lewis officially withdrew his resignation. Council Member Christensen said he thinks that
7 is a smart move.

8
9 **MOTION:** Council Member Christensen made a motion to send relevant facts from Brady
10 Lewis and the City referencing state code to the Lieutenant Governor’s office for review and
11 clarification. The Council will also ask in lieu of any liability issues that Council Member
12 Lewis will forego voting in City Council meetings until a response is obtained from the Lt.
13 Governor’s office or a period of 30 days has passed and he has not been able to present a
14 signed building contract (for Brady Lewis’s future home in Perry). Council Member
15 Montgomery seconded the motion.

16
17 **DISCUSSION:** Malone Molgard asked that Council Member Lewis forward any information
18 to him that he would like sent to the Lt. Governor’s office. Mayor Cronin said it was
19 suggested that Council Member Lewis not attend City Council, but she would like him to
20 attend but not vote. Everyone was okay with this. Council Member Lewis asked if he
21 should still participate in the Fourth of July activities and continue to read email, etc. or
22 should he abstain from all duties. Malone said he should just not vote. Council Member
23 Christensen advised that he should abstain from voting and from any use of public funds.

24
25 **ROLL CALL:** Council Member Christensen, Yes Council Member Montgomery, Yes
26 Council Member Lewis, Abstain Council Member Gerlach, Yes
27 **Motion Approved.** 3 Yes, 1 Abstain.

28
29 Council Member Gerlach advised that he and Council Member Christensen will be at scout
30 camp during the time of the next scheduled City Council meeting and suggested that it may
31 need to be moved in order to have a quorum. Mayor Cronin agreed and suggested moving
32 this to July 23, 2015.

33
34 **MOTION:** Council Member Montgomery made a motion to move the July 16, 2015 City
35 Council meeting to July 23, 2015 at 7pm. Council Member Christensen seconded the
36 motion.

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

40
41 Mayor Cronin said that this meeting agenda was supposed to be a 15 minute agenda in an
42 effort to complete some needed business and get out to the 4th of July activities. She said
43 this is the reason that public comment was not put on this particular agenda. She said
44 there has been a statement that was passed out regarding the movie in the park.

1 Mayor Cronin said that the agenda for the 4th of July activities is something that is set by the
2 committee and herself acting as the Chair of that committee. Items have been added and
3 subtracted over the years. She said that what is being questioned is why the movie in the
4 park is being run through the Brigham Area Chamber of Commerce this year. She asked
5 Greg Westfall to explain this. Greg advised that it was brought to the City's attention that
6 proper licensing is needed in order to show a movie. He said that he has been involved in
7 this process with other cities. He said that there is financial component to this. The City
8 contacted the Chamber of Commerce as they have been doing this in Brigham City and they
9 have a process to get proper licensing and abide by the law in showing films. He said they
10 met with Monica Holdaway of the Chamber of Commerce and found that the City was a
11 little late and may not have time to get licensing. The Chamber already had the licensing
12 for the film that will be showed tonight and they allowed the City to utilize this licensing for
13 a fee. He said that Monica was very gracious and stated as a member of the chamber they
14 would be willing to allow the use of their equipment, concessions, etc. The City felt this was
15 a great thing to do and made a commitment that that point to move forward in utilizing the
16 Chamber of Commerce for our movie in the park. He said it is the right thing to do to ensure
17 that we are following licensure laws, advising that many cases have been settled through
18 the courts for a lot of money if proper licensing is not obtained.

19
20 Mayor Cronin said the other item was taken into consideration was that we talked with the
21 City Attorney who had just worked with a client who paid \$30,000 for showing a film
22 without proper licensing. She said that it is also stated in the letter that somebody was
23 told by City Staff to take control and oversee the movie. She said she is unsure what staff
24 told this person to do this, but it did not come from her. She said that she made mention to
25 this person that with Greg Westfall on board the City had the movie covered. She said that
26 the letter also mentioned that there was money (\$1,500) that was offered and not accepted
27 for this event. She said to date the City has collected \$6,500 in donations and she has never
28 discouraged or denied anybody the opportunity to donate. She said that she wanted to
29 make sure the Council new the reasons why the movie in the park was being ran through
30 the Chamber of Commerce and the process that has been taken to ensure that the movie
31 was properly and legally licensed to show.

32
33 Jerry Nelson interrupted the meeting declaring that the statements made were not true. He
34 was not showing the movie illegally. That he had licensing through Walker Cinemas.
35 Malone Molgard stated that no one accused him of showing an illegal movie. Mayor Cronin
36 reminded Jerry that was an official meeting and she has had asked for input from the
37 Council. Council Member Christensen said it sounds like things for the movie are in place
38 and it starts in about an hour.

39

40 **ITEM5: EXECUTIVE SESSION – None.**

41 **ITEM 6: ADJOURNMENT**

42 None.

43 **ITEM 9: Adjournment**

44

45 **MOTION:** Council Member Montgomery made a motion to adjourn the council meeting.

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

2 The meeting adjourned at 8:11pm.

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Susan Obray, City Recorder

Karen Cronin, Mayor

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12

Shanna Johnson, Chief Deputy Recorder

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