

**Thursday, August 11, 2016**  
**PERRY CITY COUNCIL MEETING AMENDED AGENDA**  
**(Moving Item 6C to 5C)**

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**

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

- A. Invocation – Toby Wright
- B. Pledge of Allegiance – Esther Montgomery
- C. Review and Adopt the Agenda

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

- A. Conflicts of Interest Declaration(s), If Any
- B. Pass out Warrants to Council Members (and Possible Discussion)
- C. Business License(s)
  - None

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

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

- A. Public Comments
- B. Public Hearing Regarding Ordinance 16-D Vacating a Proposed Street within the City Center Subdivision

**4. Approx. 7:20 PM Presentations**

- A. City Highlights
- B. National Night Out

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

- A. Approval of the Warrants
- B. Ordinance 16-D Vacating a Proposed Street within the City Center Subdivision
- C. Ratification of Settlement Agreement on Property/Land Dispute

**6. Approx. 7:35 PM – Discussion Items**

- A. Award of Contract for Chip Seal Work
- B. Award of Contract for Installation of Utilities in the City Center Subdivision

**7. Approx. 7:40 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
  - July 14, 2016 City Council Meeting Minutes
  - July 28, 2016 City Council Meeting Minutes
- B. Mayor’s Report
- C. Council Reports
- D. Staff Comments
- E. Items for Next City Newsletter

**8. Approx. 7:45 PM – Executive Session**

**9. Approx. 8:00 PM – Adjournment (next regular meeting on Thurs., August 25, 2016 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: the Perry City Offices, Centennial Park, Perry City Park; and was faxed/mailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 9<sup>th</sup> day of August, 2016. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

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Shanna S. Johnson, Chief Deputy Recorder

## Report Criteria:

Detail report.  
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>Box Elder County</b>								
104	Box Elder County	07/27/2016	Building Inspections per Contract	06/30/2016	9,442.49	9,442.49	07/27/2016	
Total Box Elder County:					9,442.49	9,442.49		
<b>Brigham City Corp.</b>								
6106	Brigham City Corp.	08/05/2016	walmart sales tax	08/03/2016	18,444.38	18,444.38	08/05/2016	
6106	Brigham City Corp.	08/05/2016	interlocal storm water	08/03/2016	117.60	117.60	08/05/2016	
6106	Brigham City Corp.	5521	Annual Standby Fire Contract	06/01/2016	19,000.00	19,000.00	07/27/2016	
Total Brigham City Corp.:					37,561.98	37,561.98		
<b>Jones &amp; Associates</b>								
11552	Jones & Associates	17360	Public Works Standards	07/01/2016	66.00	66.00	07/21/2016	
11552	Jones & Associates	17360	City Center Sub	07/01/2016	1,076.25	1,076.25	07/21/2016	
11552	Jones & Associates	17360	City Center Sub	07/01/2016	1,901.50	1,901.50	07/21/2016	
11552	Jones & Associates	17360	City Center Sub	07/01/2016	682.50	682.50	07/21/2016	
11552	Jones & Associates	17360	Three Mile Creek GunRange	07/01/2016	105.00	105.00	07/21/2016	
11552	Jones & Associates	17360	Pointe Perry Wetland	07/01/2016	33.75	33.75	07/21/2016	
11552	Jones & Associates	17360	Evans Canyon One Lot Sub	07/01/2016	625.50	625.50	07/21/2016	
11552	Jones & Associates	17360	Streets & Transportation	07/01/2016	2,619.75	2,619.75	07/21/2016	
11552	Jones & Associates	17360	Culinary Water	07/01/2016	645.00	645.00	07/21/2016	
11552	Jones & Associates	17360	StormDrain	07/01/2016	7,591.27	7,591.27	07/21/2016	
Total Jones & Associates:					15,346.52	15,346.52		
<b>MAVERIK FLEET CARD SERVICES</b>								
11288	MAVERIK FLEET CARD SERVIC	07/21/2016	police Gas	06/30/2016	1,032.31	1,032.31	07/21/2016	
11288	MAVERIK FLEET CARD SERVIC	07/21/2016	maintaince gas	06/30/2016	404.21	404.21	07/21/2016	
11288	MAVERIK FLEET CARD SERVIC	07/21/2016	parks Gas	06/30/2016	404.22	404.22	07/21/2016	
11288	MAVERIK FLEET CARD SERVIC	07/21/2016	WWTP gas	06/30/2016	295.45	295.45	07/21/2016	
11288	MAVERIK FLEET CARD SERVIC	07/21/2016	GAS PURCHASE	06/30/2016	54.91	54.91	07/21/2016	
Total MAVERIK FLEET CARD SERVICES:					2,191.10	2,191.10		
<b>PEHP</b>								
11930	PEHP	07/28/2016	Health Insurance	07/28/2016	12,844.00	12,844.00	07/28/2016	
Total PEHP:					12,844.00	12,844.00		
<b>Republic Services</b>								
10200	Republic Services	0493-0005180	garbage service	06/30/2016	16,165.91	16,165.91	07/21/2016	
Total Republic Services:					16,165.91	16,165.91		
<b>Rocky Mountain Power</b>								
2501	Rocky Mountain Power	07/21/2016	WWTP Power	07/13/2016	6,878.93	6,878.93	07/21/2016	
Total Rocky Mountain Power:					6,878.93	6,878.93		
<b>Rocky Mountain Power/Cathy Jackman</b>								
12093	Rocky Mountain Power/Cathy Jac	07/27/2016	Subdivision Power Contract	07/01/2016	10,658.00	10,658.00	07/27/2016	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total Rocky Mountain Power/Cathy Jackman:					10,658.00	10,658.00		
<b>Utopia</b>								
10033	Utopia	200008	Milestone I and II	06/15/2016	7,921.00	7,921.00	07/21/2016	
Total Utopia:					7,921.00	7,921.00		
<b>Vermeer Rocky Mountain</b>								
12094	Vermeer Rocky Mountain	01003553	vac trailer	06/14/2016	49,310.00	49,310.00	07/27/2016	
Total Vermeer Rocky Mountain:					49,310.00	49,310.00		
<b>West Tech</b>								
10746	West Tech	8/05/2016	drive Sprockets & Chains	07/22/2016	26,794.00	26,794.00	08/05/2016	
Total West Tech:					26,794.00	26,794.00		
<b>Zions Bank</b>								
11510	Zions Bank	08/05/2016	Utopia	07/22/2016	9,515.82	9,515.82	08/05/2016	
Total Zions Bank:					9,515.82	9,515.82		
Grand Totals:					204,629.75	204,629.75		

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Report Criteria:

Detail report.

Paid and unpaid invoices included.

**PERRY CITY**

**ORDINANCE NO. 16-D**

**AN ORDINANCE VACATING A PROPOSED PUBLIC STREET WHICH WAS TO CONNECT 900 WEST AND LINDA WAY, PERRY CITY, UTAH.**

**WHEREAS**, a request to vacate and declare surplus for public purposes was submitted to the City Council by the mayor; and

**WHEREAS**, the subject property was the subject of a notice public hearing, was published on July 27, 2016 for August 11, 2016; and

**WHEREAS**, pursuant to law, a copy of the proposed ordinance vacating the proposed street was available in the City Recorder's Office for inspection by the general public during normal office hours; and

**WHEREAS**, pursuant to law, a public hearing to receive public comment and consider the proposed vacation was held on August 11, 2016 at 7:15 p.m. in the City Council Chambers located at 3005 South 1200 West, Perry, Utah; and

**WHEREAS**, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against the proposed street vacation and no one expressed opposition to said proposed vacation; and

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of Perry City, Utah that the property described in Exhibit "A", attached hereto and incorporated herein for all purposes is declared vacated for public purposes.

**BE IT FURTHER ORDAINED** that the mayor and employees of the city are authorized to perform all acts necessary to complete the vacation process including recording of this ordinance in the Office of the Box Elder County Recorder.

**SECTION III  
SEVERABILITY**

If a court of competent jurisdiction declares any provision of this Ordinance invalid, the remainder shall not be affected thereby.

**SECTION IV**  
**EFFECTIVE DATE**

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

**PASSED AND APPROVED** this 11<sup>th</sup> day of August 2016.

**PERRY CITY COUNCIL**

By: \_\_\_\_\_  
Karen Cronin, Mayor

[SEAL]

**VOTING:**

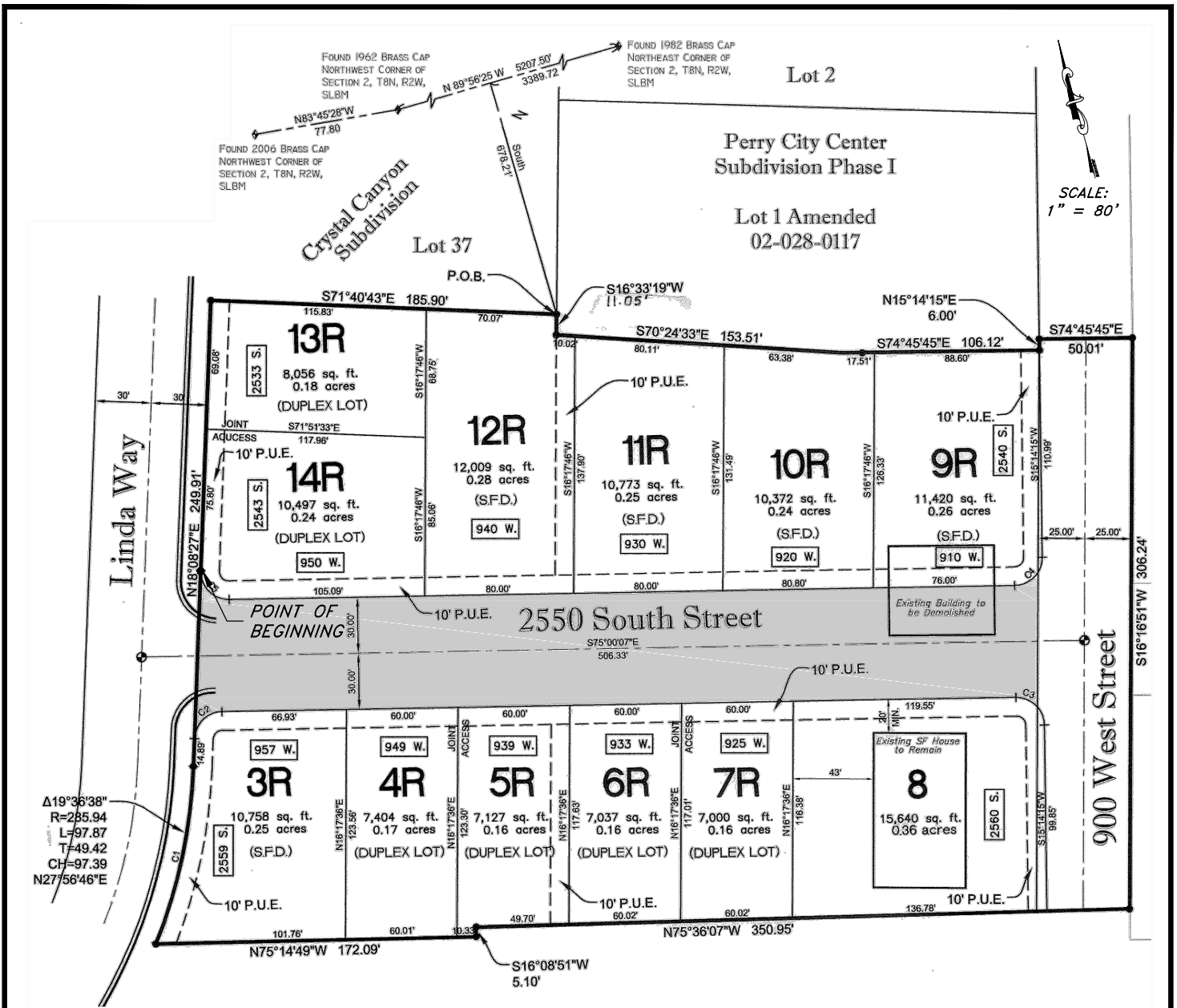
Esther Montgomery	Yea ___	Nay ___
Brady Lewis	Yea ___	Nay ___
James Taylor	Yea ___	Nay ___
Nathan Tueller	Yea ___	Nay ___
Toby Wright	Yea ___	Nay ___

**ATTEST:**

\_\_\_\_\_  
Susan O Bray  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_\_\_th day of August, 2016.

**RECORDED** this \_\_\_\_th day of August, 2016.



LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, T8N, R2W, SLB&M

BEGINNING AT THE SOUTHWEST CORNER OF LOT 14R OF CITY CENTER SUBDIVISION PHASE 2 AS RECORDED IN ENTRY NO. 280315, BOOK 1097, PAGE 1695, OF THE BOX ELDER COUNTY RECORDERS OFFICE, ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF LINDA WAY, SAID POINT BEING  $S89^{\circ}56'25''W$  3389.72 FEET ALONG THE SECTION LINE, SOUTH 678.21,  $N71^{\circ}40'43''W$  185.90 FEET, AND  $S18^{\circ}08'27''W$  144.88 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 2 AND RUNNING THENCE SOUTHEASTERLY 24.38 FEET ALONG THE ARC OF A 15 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $93^{\circ}08'34''$ , CHORD BEARS  $S28^{\circ}25'50''E$  21.79 FEET; THENCE  $S75^{\circ}00'07''E$  421.93 FEET; THENCE 15.13 FEET ALONG THE ARC OF A 15' RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $57^{\circ}46'34''$ , CHORD BEARS  $N76^{\circ}06'37''E$  14.49 FEET; THENCE  $S16^{\circ}16'51''W$  72.33 FEET; THENCE 13.02 FEET ALONG THE ARC OF A 15' RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $49^{\circ}44'17''$ , CHORD BEARS  $N50^{\circ}07'58''W$  12.62 FEET; THENCE  $N75^{\circ}00'07''W$  426.49 FEET; THENCE 22.74 FEET ALONG THE ARC OF A 15' RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $86^{\circ}51'26''$ , CHORD BEARS  $S61^{\circ}34'10''W$  20.62 FEET; THENCE  $N18^{\circ}08'27''E$  90.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,218 SF, AND 0.625 ACRES.



CONSULTING ENGINEERS

1716 East 5600 South  
South Ogden, Utah 84403 (801) 476-9767

PERRY CITY CORPORATION

CITY CENTER SUBDIVISION

EXHIBIT "A"

SHEET:

1

OF 1 SHEETS

0

1 PERRY CITY COUNCIL MEETING  
2 PERRY CITY OFFICES  
3 July 14, 2016  
4

7:00 PM

5 OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting. Toby  
6 Wright, Esther Montgomery (arrived at 7:05pm), Brady Lewis, James  
7 Taylor, Nathan Tueller

8  
9 CITY STAFF PRESENT: Greg Westfall, City Administrator  
10 Susan Obray, City Recorder  
11 Craig Hall, City Attorney  
12

13 OTHERS PRESENT: Matt Hall, Devin Miles, Len Nelson, Debbie Nelson, Jerry Nelson, James Nance,  
14 Norman Nelson, Neil Checketts, Brandon Nelson, Margaret Lyon-Sipes, Willetta Nelson, Sherry  
15 Nelson, Susan Lyon, Tresa Peterson, Taunie Carley, Heath Carley, Nelson Phillips (Box Elder News  
16 Journal), Lorraine Vernon

17 **ITEM 1: CALL TO ORDER**

18 Mayor Cronin called the City Council meeting to order.

19 **A. INVOCATION**

20 Council Member Taylor offered the invocation.

21 **B. PLEDGE OF ALLEGIANCE**

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

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

24  
25 **MOTION:** Council Member Lewis made a motion to approve the agenda. Council Member Taylor  
26 seconded the motion.

27 **ROLL CALL:** Council Member Montgomery, Yes Council Member Lewis, Yes  
28 Council Member Taylor, Yes Council Member Wright, Yes  
29 Council Member Tueller, Yes  
30 **Motion Approved.** 5 Yes, 0 No.  
31

32 **ITEM 2: PROCEDURAL ISSUES**

33 **A. CONFLICT OF INTEREST DECLARATION**

34 None.  
35

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

37 Susan Obray passed out the warrants. Council Member Taylor asked about the payment to Homes  
38 USA. Mayor Cronin advised that this is the 4<sup>th</sup> of 5 installment payments made for the training  
39 facility at the Gun Range.  
40

41 **C. APPOINTMENTS:** None.  
42

43 **D. BUSINESS LICENSE(S)**

- 44 • **Peas 4 Two Emporium**  
45 Mayor Cronin reviewed the business license application stating that there is no visiting  
46 clientele. She asked business owner Lorraine Vernon to give a review of her business. Ms.



1 Vernon advised that she is just working with a couple of vendors with rental booths that she  
2 charges rent for. She said neither booth is located in Perry City, one is in Salt Lake City nor  
3 the other is in West Point.  
4

5 • **Taunie’s Daycare**

6 Mayor Cronin reviewed the business license application stating that there will be visiting  
7 clientele and explained there was other criteria that had been reviewed by the Planning  
8 Commission. She said that the Planning Commission has recommended approval of the  
9 license. Mayor Cronin asked Taunie Carley to give some details regarding her business.  
10 Taunie said that she is putting in for a licensed daycare at her home. She said that it will  
11 operate Monday thru Friday. Mayor Cronin said that part of the recommendation by  
12 Planning Commission is that the approval of this license be with the condition that the  
13 business receives a license from the State. Mayor Cronin explained that a daycare applicant  
14 can only get a license from the State if they have a business license. Council Member Lewis  
15 asked how many children would be at the business and what the hours will be. Ms. Carley  
16 answered 16 children and 5-6 visiting parents a day. She said her hours will be  
17 approximately 6:00am to 5:30pm. Council Member Lewis asked if all State mandates have  
18 been addressed. Mayor Cronin said that this was researched by Planning Commission and  
19 the mandates have been met up to the need of a business license in order to obtain State  
20 licensing. Greg Westfall stated that administratively the City will follow up to ensure that  
21 State licensing has been obtained.  
22

23 **MOTION:** Council Member Lewis made a motion to approve the Business Licenses for Peas 4Two  
24 Emporium and Taunie’s Daycare, Taunie’s Daycare being contingent on the business receiving State  
25 Licensing. Council Member Tueller seconded the motion.

26 **ROLL CALL:** Council Member Montgomery, Yes Council Member Lewis, Yes  
27 Council Member Taylor, Yes Council Member Wright, Yes  
28 Council Member Tueller, Yes

29 **Motion Approved.** 5 Yes, 0 No.  
30

31 **ITEM 3: PRESENTATIONS**

32 **A. CITY HIGHLIGHTS**

33 Mayor Cronin reported that the City had a very successful 4<sup>th</sup> of July. She said the numbers of  
34 participants especially on the Monday, July 4<sup>th</sup> were up significantly. She stated that she received  
35 feedback from many community members that were happy with the variety of activities that took  
36 place. They felt that there was something for all ages.  
37

38 Mayor Cronin reported that the City received a couple of thank you notes, one from Corene and Bob  
39 Jenson, thanking the City for the opportunity to serve as Grand Marshalls. She said the other thank  
40 you note was from Box Elder County thanking the City for hosting the site selectors at the gun  
41 range.  
42

43 **ITEM 4: PUBLIC HEARINGS AND/OR PUBLIC COMMENTS**

44 **A. PUBLIC COMMENTS**

45 Mayor Cronin advised that she is aware that there may be people present to make comment on a  
46 recent action taken by the City regarding a temporary restraining order and if that is the case, it is  
47 asked that those comments be forwarded to the City Attorney. She then opened the meeting for  
48 public comment.  
49

50 **Norman Nelson:** stated he has been a resident for over 40 years and his family has considered  
51 Perry City their home. He said they have freely volunteered their time, energy, property to the City  
52 and are still willing to do so. He expressed concern with a letter received from the City Attorney

1 that he felt was demeaning and therefore did not give a response. He said that citizens should  
2 never be bullied or threatened by their own government. He asserted that governments were  
3 formed to protect not persecute. He stated that they have always dealt with the City honestly and  
4 with good faith and he does not feel they are being treated with the same level of respect. He  
5 refused to deal with the City until they are treated with respect.  
6

7 **Matt Hall:** expressed his appreciation for the 4<sup>th</sup> of July events stating it was an enjoyable time. He  
8 reported concerns regarding a letter he received this past week regarding an animal ordinance that  
9 was passed that apparently he is in violation of. He stated after discussing the issue with members  
10 of the Planning Commission and a few City Council Members he did not feel the letter referenced  
11 the correct ordinance. He explained that he has an acre and a half of property and feels it is strange  
12 in the City of Perry where on the way to the City office he drove past two farms, orchards, and  
13 pastures, he is being told that on his acre and half of property he cannot have so much as a rabbit on  
14 his property. He stated that he feels the zoning should be looked at and should be based on the size  
15 of property and if it can properly take care of animals, if so residents should be able to have animals  
16 on that property.  
17

18 **ITEM 5: ACTION ITEMS**

19 **A. APPROVAL OF THE WARRANTS**

20 Mayor Cronin reviewed the warrants and reviewed three additional warrants that need pre-  
21 approval. She said one has to do with Macquarie Company which is due to some research done  
22 regarding Utopia a few years ago. She said the City entered into this research knowing fully that  
23 there would be a cost to pay. She advised that the total bill is \$7,921 which is less than anticipated  
24 and is within budget.  
25

26 Mayor Cronin stated another item needing pre-approval that was budgeted is a ditch witch for the  
27 public works. She said that this will enable the City to do repairs on the City water/sewer lines and  
28 is around \$50,000. Greg Westfall stated this will be depreciated over 10 years.  
29

30 Mayor Cronin reviewed the final bill needing pre-approval, Precision Asphalt for \$15,000, which  
31 was for crack seal work completed. She said that these are invoices received after the warrant  
32 report was created and will be coming back to the City Council in a future meeting for approval.  
33 Council Member Lewis asked if it is legal to pre-approve these items. Greg Westfall said as long as  
34 they are budgeted it is okay.  
35

36 **MOTION:** Council Member Taylor made a motion to approve the warrants presented, and pre-  
37 approve three additional warrants:  
38

- 39 • Precision Asphalt - \$15,000
  - 40 • Macquarie Company - \$7,921
  - 41 • Public Works Ditch Witch (Premier Vac Trailer) - \$50,000
- 42

43 Council Member Lewis seconded the motion.

44 **ROLL CALL:** Council Member Montgomery, Yes      Council Member Lewis, Yes  
45 Council Member Taylor, Yes                      Council Member Wright, Yes  
46 Council Member Tueller, Yes  
47 **Motion Approved.** 5 Yes, 0 No.  
48

49 **ITEM 6: DISCUSSION ITEMS**

50 **A. FOURTH OF JULY REVIEW**

51 Mayor Cronin reported that there had been over \$600 that was brought in with the Bingo. She said  
52 that we usually have 50 Bingo cards and this year we had 110 and still ran out, which shows we had

1 double the amount of participants. She said the Box Elder High School Color Guard was over the  
2 children games and they also reported an increase in participants. They expressed that it was a  
3 great fund raiser for them. She said we had a successful first time City Award Dinner, which  
4 resulted in many positive comments from the award recipients. She reported that the City had a  
5 very cute Uncle Sam/Miss Liberty and Baby Contest, and there was some great upcoming talent at  
6 the Perry’s Got Talent event. She recognized that there was some confusion surrounding the  
7 softball teams this year, but stated that there is a plan in place to improve this next year. She stated  
8 that the donations from business partners and sponsors were also at an all time high. Mayor Cronin  
9 said that the Fireworks started 4 minutes early and we will work to correct this in the future. She  
10 reported that the Independence Walk (new event in 2016) was very successful and there were over  
11 150 participants. Council Member Lewis thanked the Mayor and staff for all their hard work.  
12

13 **B. WASATCH CHOICE 2050 CONSORTIUM AND ACTIVE TRANSPORTATION & HEALTH**  
14 **SUMMIT**

15 Mayor Cronin reviewed that this event was a national conference hosted in Utah. She explained that  
16 she attended this conference in which different cities came together to discuss how to build,  
17 develop and coordinate cities while meeting the needs of the citizens. She said that the key note  
18 speaker talked about how they are finding that the layout of cities is having a big impact on the  
19 health of the citizens in that area. She stated they took a map of the San Francisco City and they  
20 could diagnose depending on the area i.e. diabetes was very high in areas that did not have safe  
21 walkable areas and that were lacking fresh fruit and vegetables. She said that places that had a lack  
22 of active transportation had higher obesity rates; if we have more active transportation and  
23 encourage being active we will have a healthier community. She advised that it was reported  
24 during the meeting that currently the United States is running about 18% of our gross national  
25 product in health care related issues as opposed to China and Japan which only 5% of their gross  
26 national product is being spent in health care related issues. She said there were several breakout  
27 sessions one of which was in reference to City Planning. She advised that the last time our general  
28 plan was updated was in 2005, the State recommends general plans be updated every 5 years. She  
29 proposed updating the general plan by way of looking at some timeframes in October where the  
30 City can hold a town hall meeting and invite the public to come in and provide input on how they  
31 would like to see the community develop. She suggested having this over two nights (Wednesday  
32 and Thursday). She outlined the process stating the City Council will then meet with the Planning  
33 Commission to advise of the direction the City Council would like to support, and have the Planning  
34 Commission take and start molding the general plan. She proposed a possible date of October 5<sup>th</sup>  
35 and 6<sup>th</sup>. The Council would then review input on October 15<sup>th</sup> and then meet with the Planning  
36 Commission on October 20<sup>th</sup>. Council Member Tueller said that he understands the importance of  
37 what was discussed during this conference, but we cannot control people’s choices. He said he feels  
38 that Perry City can come together and see what is best for the City. Mayor Cronin agreed and said  
39 that is what spurred her in the direction of working on the general plan, and working with the  
40 citizens to see what they felt would be best for the community.  
41

42 **C. EMERGENCY OPERATIONS PLAN**

43 Mayor Cronin said that she has forwarded an electronic copy of the Emergency Operations Plan to  
44 each of the Council Members. She advised that an Emergency Operations Plan is needed in order to  
45 receive Federal funding in the event of an emergency. She explained the City currently does not  
46 have a plan; there was one started many years ago, but was not fully adopted. She said that Monica  
47 Taylor and she have met several times, along with Greg Westfall, the Public Works department, and  
48 Emergency Services. She said this plan is now ready for review from the City Council and  
49 encouraged them to look through it with a fine toothed comb to help identify anything that is  
50 missing or needs to be changed. She said one of the main responsibilities of the City Council is to  
51 make sure in an emergency situation there is as much a continuation of services as possible and  
52 protection to the residents. She offered if needed to send another electronic version or to get paper

1 copies of the plan for the Council to review if needed. Council Member Tueller asked if the plan has  
2 changed since the last meeting. Mayor Cronin advised it has not. Council Member Taylor asked for  
3 the plan to be sent again. Council Member Lewis asked that the plan be put in the next packet.  
4 Council Member Montgomery asked for a hard copy. Mayor Cronin stated that the Emergency  
5 Operations Plan will be reviewed at the next City Council meeting.  
6

7 **D. CODE ENFORCEMENT**

8 Mayor Cronin explained that there needs to be some components put in place to allow the City to  
9 enforce the codes. She reviewed a document sent to the Council that detailed what is in the code  
10 currently and what needs more clarification. She stated that we have in place a way to create  
11 municipal codes, which is the legislative body. The codes define what can and cannot happen  
12 within the City i.e. storm water management, which puts in place rules to avoid storm water  
13 contamination. She said after the ordinance is in place it becomes an administrative issue to  
14 enforce the laws. The way staff accomplishes this is if they are aware of a code infraction they send  
15 a letter to the responsible party requesting compliance with the code. She explained that we  
16 usually allow 10 days for the issue to be resolved, but at times we are not able to allow 10 days; for  
17 instances of storm water violations we can only allow 24 hours (per State mandate) then we have  
18 to put in place penalties. She said the penalty for storm drain violations is \$100 the first day and  
19 \$200 thereafter. Council Member Wright asked what is considered a violation. Mayor Cronin said  
20 some contractors may build a ramp with dirt in the gutter while constructing homes in an effort to  
21 avoid damaging the curb when driving over it, this dirt now goes downstream into the storm drain  
22 and contaminates the storm water. She gave another example of people who blow grass clippings  
23 into the gutter, which causes contamination. Greg Westfall said this is not a City regulations, these  
24 regulations are set by the State as part of a Storm Water Management Plan Permit.  
25

26 Mayor Cronin advised another issue the City deals with is signs within in the City. There is a Sign  
27 Ordinance which details what is allowed in terms of signage in the City. It details what dimensions,  
28 type, timeframe, and location is allowed for signs and requires that people wanting a sign get a sign  
29 permit. She said the current municipal code allows us to send a letter when a violation occurs, but  
30 does not have the teeth to allow the City to take the next step. She said she has had City Attorney  
31 Craig Hall review options. She advised that some cities levy criminal charges for violations, but the  
32 State has said that this practice is not a good way to enforce codes. She said other Cities levy a civil  
33 penalty i.e. a cost per day penalty, and allows further action which allows the City to clean up or  
34 correct the issue at the cost of the property owner. Mayor Cronin said that Craig has recommended  
35 a \$50 per day civil penalty and allowing that to go for a period of time. The Mayor reported that  
36 there is a home in town that has been there for 10 years that is unkept and has weeds taller than  
37 her. Many residents are concerned with it because it is a health and safety issue and is reducing the  
38 value of their homes. She said that we do not have the authority to go on the property to clean up  
39 the weeds, as this option is not written within the codes.  
40

41 Mayor Cronin expressed that it is frustrating to have an Ordinance that cannot be enforced and  
42 encouraged the Council to consider adopting an enforcement mechanism.  
43

44 Council Member Taylor asked if we have the Ordinances in place and what those Ordinances are.  
45 Mayor Cronin explained that we have an ordinance that prohibits weeds over 18 inches high. Greg  
46 Westfall agreed stating that we have ordinances that address fire hazards and nuisances.  
47

48 Mayor Cronin said that Perry City contracts for Fire Services with Brigham City and she gets calls  
49 regularly from the Brigham City Fire Chief and the Brigham City Mayor regarding lots that have  
50 weeds that are 6 ft. high. She said we need to try to mitigate fire hazards so we can continue to  
51 have a lower fire contract fee rate.  
52

1 Council Member Montgomery said when she was on the Planning Commission Duncan Murray was  
2 working on a hazards ordinance. She said when he left it disappeared, but she may have a copy of  
3 it. Greg Westfall stated we do have an abatement ordinance, but it is vague and there are concerns  
4 as to if it is adequate or not. He advised that this is being reviewed by Craig Hall (City Attorney). He  
5 said that this would only cover the fire and safety hazards and would not cover signs and other  
6 items.

7  
8 Council Member Lewis said there are many different laws and asked if the enforcement ordinance  
9 that Craig will be working on will be a blanket Ordinance covering everything. Mayor Cronin  
10 explained what Craig has done for other cities and what David Church recommends is putting in  
11 place a mechanism where the City has a way to enforce. She said that the City would of course try  
12 to contact the landowner and give them a timeframe to come into compliance. If they do not come  
13 into compliance one option would be to put in to place penalties for non-compliance of \$100 per  
14 day, then after 30 days the City has the right to do what is needed in order to bring the issue into to  
15 compliance and bill the land owner for the correction, and if after 60 days this amount is  
16 uncollected the City has the ability to put a lien on the property, so at some point the City is made  
17 whole. Council Member Lewis asked if the \$100 per day penalty would apply to all issues i.e.  
18 bunnies, grass clippings, bees. Mayor Cronin answered that this would be a blanket penalty for all  
19 issues other than those that have penalties identified elsewhere, such as Storm Water violations  
20 which the State has identified penalties. Council Member Lewis confirmed that this would be a  
21 starting point and could later be refined. Council Member Tueller agreed that code enforcement is  
22 important but the dilemma is that when the City gets involved it limits individual's property rights.  
23 He said there is always intrusiveness when trying to legislate things. Greg stated that is a dilemma  
24 shared with the Planning Commission, but the State allows cities the authority to make these kinds  
25 of Ordinances. He said it is up to the Planning Commission and City Council to decide if these  
26 ordinances are appropriate for their City. He advised the other challenge from an administrative  
27 stand point is that staff does not get to choose. If there a law is passed by the City Council the  
28 administrative action takes over and staff makes their best effort in addressing the laws in an  
29 appropriate manner. Council Member Tueller agreed, but stated the decisions made need to  
30 protect the rights of the citizens protected by the Constitution. He added that upper management  
31 may have a great idea, but that is why the Council has quasi sovereignty in making those decisions.  
32 Mayor Cronin stated none of us want to take people's rights away, but we need to look at the  
33 landowner living next to a home with 6 foot weeds. She said they have invested a lot into their  
34 homes and have an expectation to certain things that are for the good of everyone. She stated we  
35 try to balance the two. Mayor Cronin said we are fortunate to live in Perry where we have areas  
36 that are more rural and areas where there is more condensed housing, by letting everybody have  
37 100% of their rights we take away the rights of others. Council Member Lewis agreed with  
38 everything the Mayor said, but stated if we have all these laws and no way to enforce it, we are  
39 invalidating the whole system. He said we need to do something that gives the City some very small  
40 teeth. He explained that in lean manufacturing you want things to stand out; if we start to enforce  
41 things and realize s a problem with a law it will make the city act on the law that needs fixing. He  
42 said he feels that enforcing will help validate the laws and correct them where needed. Mayor  
43 Cronin said that code enforcement is not anyone's favorite job, but if you are the code enforcer it  
44 takes the right tools to allow you to do your job. She said currently what we have on the books does  
45 not supply the right tools. She advised if it is the Council's will we can have Craig Hall start drafting  
46 an Ordinance that will provide the tools needed. She agreed that if we find a law on the books that  
47 does not make sense we need to take care of it. Council Member Lewis asked if most cities have  
48 enforcement mechanisms such as those being proposed. Mayor Cronin stated they do. She  
49 cautioned that if cities do nothing in regards to these issues developer will push this to be a State  
50 issue and they will put laws in place for cities to follow. She explained that this is not meant to be a  
51 money maker and the majority of people will like the laws because it will give residents some  
52 security as to what the expectation is regarding to land use based on zoning. Council Member

1 Taylor said he believes we need something punitive, but \$50, \$100, and \$200 are too excessive for  
2 some items i.e. rabbits in your yard etc. Council Member Montgomery said this is important  
3 especially in regards to recent complaints received on a vacant home; the City has needed to do  
4 something about this for a long time.

5  
6 **ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

7  
8 **A. APPROVAL OF CONSENT ITEMS**

- 9
  - 10 • **May 12, 2016 City Council Meeting Minutes**
  - 11 • **May 26, 2016 City Council Work Session Minutes**
  - 12 • **May 26, 2016 City Council Meeting Minutes**
  - 13 • **June 9, 2016 RDA Meeting Minutes**
  - 14 • **June 9, 2016 City Council Meeting Minutes –(Not Ready)**

15 **MOTION:** Council Member made a motion to approve the May 12, 2016 City Council Minutes, May  
16 26, 2016 Work Session and City Council Meeting Minutes, and the June 9, 2016 RDA Meeting  
17 Minutes with some grammatical changes. Council Member seconded the motion.

18 **ROLL CALL:** Council Member Montgomery, Yes Council Member Lewis, Yes  
19 Council Member Taylor, Yes Council Member Wright, Yes  
20 Council Member Tueller, Yes

21 **Motion Approved.** 5 Yes, 0 No.  
22

23 **B. MAYOR'S REPORT:** Mayor Cronin announced that the Three Mile Creek Shooting Sports  
24 Complex received a donation of steal targets valued at \$1,000. She recommended that the City  
25 award an annual pass to Nate Christensen and Mike Bowan in recognition for their donation.  
26 Council Member Wright asked if this would be just a 1 year pass. Mayor Cronin said yes.

27  
28 Mayor Cronin reported the CCRs (conditions, covenants, restrictions) for the Evans Canyon 1-  
29 Lot Subdivision proposed by adjacent land owners have been received and passed on to the  
30 City Engineer. He found no problem in relation to the square footage of the home, which the  
31 proposed CCRs included a minimum 1500 sq. ft. home with a 2 car garage, and the lot will hold  
32 up to a 2500 sq. ft. home with a 2 car garage. She said the proposed CCRs also address  
33 construction materials as being brick, rock and stucco, with no siding being allowed and staff  
34 felt this was appropriate for the area. She advised that the proposed criteria for the pitch of  
35 the roof was 8-12 and the City Engineer recommended a 6-12 requirement as this will  
36 dramatically reduced the cost of the roof, but would not decrease the value of homes in the  
37 area. Mayor Cronin said there were other restrictions such as no clothes lines, trees in mow  
38 strip etc. that the City most likely will not be considering. She advised the items being  
39 considered are based on maintaining home values in the area. Mayor Cronin stated that the  
40 residents in the area will have the ability to make offers to purchase the lot however the  
41 improvements for the lot will be going out to bid in the near future and as more costs are  
42 invested into the lot the price of the lot will increase. She asked if the Council had any concerns  
43 to let her know. Council Member Tueller asked if the CCRs will be approved by the Council.  
44 Mayor Cronin said yes, but clarified that these will not be called CCRs, but requirements of the  
45 dwelling. Council Member Lewis asked if this would be monitored for compliance  
46 administratively. Greg Westfall said that the Building Inspector will be over this, but staff  
47 would also be included in monitoring dwelling requirements. He also explained that usually  
48 the City does not get involved with CCRs and HOAs, but we are involved with this particular  
49 project as we are the developer. Mayor Cronin stated that this will come back for action in a  
50 future meeting.

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52 **C. COUNCIL REPORTS:** None.

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**D. STAFF COMMENTS:** None.

**E. ITEMS FOR NEXT NEWSLETTER:** None.

**ITEM 8: EXECUTIVE SESSION**

**MOTION:** Council Member Montgomery moved to close the Public Meeting and open an Executive Session to discuss strategy regarding pending or imminent litigation. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Montgomery, Yes      Council Member Lewis, Yes  
                  Council Member Taylor, Yes            Council Member Wright, Yes  
                  Council Member Tueller, Yes  
**Motion Approved.** 5 Yes, 0 No.

The regular meeting closed at 8:10pm.

**MOTION:** Council Member Wright made a motion to close the Executive Session and reopen the Public Meeting. Council Member Lewis seconded the motion.

**ROLL CALL:** Council Member Montgomery, Yes      Council Member Lewis, Yes  
                  Council Member Taylor, Yes            Council Member Wright, Yes  
                  Council Member Tueller, Yes  
**Motion Approved.** 5 Yes, 0 No.

The regular meeting reopened at 9:00pm.

**ITEM 9: ADJOURNMENT**

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

The meeting adjourned at 9:01pm.

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

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

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