

- NS Auto

Mayor Cronin stated this business is owned by Nathan Sumko. She reported the business will have visiting clientele and is located at 1998 S Hwy 89. She said she is not sure what building it is. Susan Obray said it is a little white building located in front of Crash Works. Mayor Cronin said that we may want to address the issue of visiting clientele she said that she met with the Fire Marshall earlier this week and he suggested that all businesses with visiting clientele have a current fire inspection performed by the Fire Marshall prior to issuance or renewal of a business license. Council Member Montgomery asked if there is a cost associated with the inspection service. Mayor Cronin said that we currently have a contract with the Fire Marshall and the inspections would be included in the contract. She suggested that if the Council does grant the business license they make this contingent upon a successful fire inspection. Council Member Gerlach asked if we would need to add this requirement for business license renewals. The Mayor said yes. She said that if the City does not require the fire inspections for businesses with visiting clientele and there is a fire issue, it could open the City up to liability. Council Member Montgomery asked if these inspections would also be required for home businesses. Mayor Cronin said that they would need to research the requirement for home businesses. Council Member Montgomery asked if the fire inspection would include inspection of the parking availability. She said that is the only other question she has regarding this current business license application for NS Auto. Malone Molgard said that the Fire Marshall would be looking to ensure the business has adequate extinguishers, fire exits, etc. but parking would be something separate the Council would need to research. Mayor Cronin said that usually we request the person making application be present at the meeting. She said we could table the application until the next meeting and ask the applicant attend. The council looked at the lot on Google maps, but was unable to identify the number of parking stalls. Council Member Montgomery asked that staff contact the applicant and request that he attend the next City Council meeting. No action was taken at this time.

- Fiercely Free Company

Mayor Cronin reported that this is an Etsy shop providing online sales with no visiting clientele. Council Member Montgomery said there have been a lot of business applications recently that are Etsy shops. Mayor Cronin said this is the equivalent of an online quilted bear (or craft store).

MOTION: Council Member Montgomery made a motion to approve the business license for Fiercely Free Company. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Nelson, Yes
Council Member Gerlach, Yes

Motion Approved. 3 Yes, 0 No.

ITEM 3: APPROX. 7:15PM- PUBLIC HEARING AND/OR PUBLIC COMMENTS (NO VOTE NEEDED)

A. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE SALE OF REAL PROPERTY LOCATED AT THE CITY CENTER SUBDIVISION AND POINTE PERRY COMMERCIAL AREA

Mayor Cronin advised that the parcel numbers for sale are listed in the public hearing notice.

MOTION: Council Member Nelson made a motion to open a public hearing to receive comments regarding the sale of real property located at the City Center Subdivision and Pointe Perry Commercial Area. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Nelson, Yes
Council Member Gerlach, Yes

B. MOTION TO AUTHORIZE THE SALE OF REAL PROPERTY LOCATED AT THE PERRY CITY CENTER SUBDIVISION AND POINTE PERRY COMMERCIAL AREA

Mayor Cronin advised that the parcels are currently set at the County. She said we can sale these as is or we can regroup them. She said that she has had some people contact her with interest in some of the parcels. She said that the parcels were pretty small and if we were to maybe take two and group them to be larger in size we may get a little more interest. She said we have the flexibility to do whatever is in the best interest of the City in order to get the property sold. She reported that the City is working with Coldwell Banker to get the commercial property at Pointe Perry sold. Council Member Gerlach asked if this is an ordinance. Mayor Cronin said no that an Ordinance allowing the sale of the land (and setting procedure to do so) was approved at the last meeting; this action would be to authorize the sale of the land.

MOTION: Council Member Montgomery made a motion to authorize the Sale of Real Property in the City Center Subdivision and Pointe Perry Commercial Area. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Nelson, Yes
 Council Member Gerlach, Yes
Motion Approved. 3 Yes, 0 No.

C. ORDINANCE 15-F FLAG LOT ORDINANCE

Mayor Cronin advised that the Flag Lot Ordinance was forwarded from the Planning Commission with their recommendation for approval. She turned some time over to Greg Westfall and Susan Obray to discuss any further details regarding the Ordinance. Greg said the main focus of the Ordinance was that the City was getting a lot of flag lots which would benefit some things but made other things very difficult. The goal of this is to allow flag lots when they are needed and beneficial and eliminate unneeded or problematic flag lots. He said the other reason for the Ordinance was to outline things like who needed to own the road adjacent to the flag lot, which would be need to be the property owner of the flag lot. It outlines what the front of flag lot is and defines setbacks from there.

Mayor Cronin advised that paragraph 3 discusses a City Council public hearing which is optional. The requirements for public hearing have been met at the Planning Commission level. She said that if the Council believes they have had adequate public feedback this paragraph would be deleted from the Ordinance. Mayor Cronin said that this allows flag lots as a last resort, one thing to keep in mind is it is difficult for the City to maintain infrastructure (such as waterlines) on flag lots.

Council Member Montgomery stated she was impressed with the Ordinance and could not think of a single thing that the Planning Commission didn't think of in drafting the Ordinance. Council Member Gerlach agreed stating it seems very thorough.

Mayor Cronin asked if Lawrence Gunderson (Planning Commissioner) had any other information he would like to add. He said that flag lots need to be the exception to the rule. Perry City needs to keep all land useful and easy to maintain. He said there will still be times when flag lots will need to be considered. Mayor Cronin expressed appreciation for all the work

the Planning Commission has done on the Ordinance. Council Member Gerlach asked if the Ordinance was recommended unanimously. Lawrence said yes.

Malone Molgard said another thing that must be considered is that you can put reasonable restriction in an Ordinance, but if there is a piece of property that can only be utilized as a flag lot, the City would need to allow the use or it would be considered a taking. Greg said another option for land owners in this circumstance and that is that they can apply for a variance.

MOTION: Council Member Gerlach made a motion to approve Ordinance 15-F concerning Flag Lots. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Nelson, Yes
Council Member Gerlach, Yes
Motion Approved. 3 Yes, 0 No.

D. CLARIFICATION TO ORDINANCE 15-J ALLOWING THE DISPOSAL OR LEASE OF PUBLICLY OWNED PROPERTY

Mayor Cronin advised that there is one word that we wanted to clarify prior to adding this Ordinance to the Municipal Code and that is under Section 2.30.040.3. It reads “Disposal of Public Property” and later as “Disposal of Real Property”. She said that we would like to make the word change in the first reference from “Disposal of Public Property” to “Disposal of Real Property”.

MOTION: Council Member Gerlach made a motion to clarify Ordinance 15-J under Section 2.30.040.3 to read “Disposal of Real Property” in all areas (changing public property to real property). Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Nelson, Yes
Council Member Gerlach, Yes
Motion Approved. 3 Yes, 0 No.

ITEM 5: APPROX. 7:40 PM-DISCUSSION

A. POLICY FOR RANGE SAFELY OFFICER

Mayor Cronin said that there have been several things that have come up and the Chief of Police and Eric Halter our Head Range Safety Officer has come forward with concerns. She also met with the Utah Local Government Trust in June and found there are some things that need to be addressed to ensure liability coverage. She said that discussion has been ongoing mainly with the Chief of Police and Head Range Safety Officer and she wanted to bring this to the Council to for any additional discussion to be considered. Council Member Montgomery said she would need more information. Council Member Gerlach asked to hear their recommendations. Greg Westfall said that this is more of a discussion to make the Council aware that discussion and recommendations for policy change is coming. He said if the Council has any thoughts or input they would like considered it is welcome. Mayor Cronin said that the individuals helping at the range are an extension of the city and therefore would need to be appointed which will cover them on our insurance. She said another thing that needs to be defined is the way that payments are handled. We do allow public to pay at the range which will require cash handling policies be put in place. Mayor Cronin said that there are items that have gone missing from the range so the Chief of Police has requested that the range not only has combination locks but also a key to

be checked out from the City. Mayor Cronin said another issue is the use of the Range as a benefit to the Range Safety Officers (RSO). She said we currently have 72 trained Range Safety Officers and we are having a hard time getting 2 RSOs to man the range. She said the question is do we have people signing up to be RSOs just to get the benefit of use of the range without putting forth the volunteer hours. She said both Chief Weese and the Head Range Safety Officer wanted the amount of hours required to receive the benefit of use of the range defined. Council Member Gerlach asked if there are Range Safety Officers getting trained in order to bring Scout groups. Mayor said we have not had any issues with this. The issue is that people are not volunteering time but getting free use of the range. She said the recommendation is that the volunteer needs to provide a minimum of 12 hours of volunteer service prior to getting the benefit of use.

Mayor Cronin advised that policies are separate from Standard Operating Procedures (SOPs). She explained that SOPs are reviewed and set by the Three Mile Creek Range Board. Policies are set by the City Council. She said that she is not saying that they will not go before the board for review but they are not required to go through the Board. She said that the Head Range Safety Officer, Eric Halter, Chief Weese, Shanna Johnson, Greg Westfall, Malone Molgard, Susan Obray and herself have worked together on the policies. She said most of the changes are coming from Eric and the Chief and what they would like to be more clearly defined. Mayor Cronin said that the Chief would like these changes approved sooner than later so that he has the backing to run the range as needed.

B. UTOPIA UPDATE

Mayor Cronin reported that about a year and a half ago there was a company by the name of White Cloud that came in and proposed putting a tower behind the City building to broadcast a Wi-Fi signal throughout the City for subscription and use. Greg Westfall stated that Ryan Hodges of White Cloud contacted the City and said that they have been waiting to move forward in an effort to see what would happen with the Macquarie proposal, but they are ready to move forward with the installation of the first tower. He said that they are putting together preliminary plans as to where this will be installed. This will provide service to about 30-35% of the community at this time. He said they would work shortly after this installation to install an additional tower on the east side of the City. He said that the two towers should provide 80% coverage to the community. He said that they plan to install the first towers in 30-60 days and should have the second tower installed in approximately 6 months. He said that we will be able to utilize the towers for other antennas such as those for public safety. Mayor Cronin said that the City Council already approved these towers in the past so unless the City wants to retract this, we should be good to go.

Mayor Cronin reported that Macquarie is still around and have asked if we would be willing to give them time to get things in order to get their proposal on the ballot in 2016. She said the member cities conveyed that as long as they are not running up the meter in costs, we are good to give them the time they need. She said the other path that is being pursued is called the 'Sweet Spot' model. This is where the areas they felt would have the most build out would be built out first and as they build out things bubble to the top. She said right now Perry City is about 3rd or 4th on this model. She said that they have run a Utopia line up 2450 South and up to the hut located at Perry Park. She said in talking with Wayne Pyle of Utopia he thinks there are some

things they may be able to do to expedite coverage in our City. She said the question being asked is would this be with the higher connection fee or with the lower fee to encourage people to sign up. She said with the current number of subscribers they are breaking even, where a year ago they were in a deficit and cities with subscribers were helping with the costs of operations. Council Member Gerlach said that report was very helpful as they had not heard anything regarding Macquarie in a while. Mayor Cronin said what she thinks happened is that Macquarie could see that their deal was losing steam and they wanted to go back and add a few things to it. Mayor Cronin said that she was on the review panel and on this panel she held very strong to the fact that the people need to be able to vote on the proposal. She said that Mayor Stevenson went along with this so from the elected officials standpoint you either place this on the ballot or there is no deal. So in order for Macquarie to prepare for this they have asked for more time. She said the Macquarie proposal is not dead yet. She said that the Sweet Spot mode may be offered as soon as 6-9 months from now according to Wayne Pyle. Council Member Montgomery asked if there is any information on cost of connection or monthly fees. Mayor Cronin said not yet. Malone Molgard said he talked with Brigham.net people today and they said that for \$90 a month he could get 100 Meg internet and phone and that would include the connection. He said he currently pays this for Comcast and he only gets 5 Meg. Mayor Cronin said that they are working on setting the best fees possible and also looking to utilize some of the monies obtained through the RUS settlement to assist in these efforts.

C. POINTE PERRY UPDATE

Mayor Cronin reported that she has met with the Coldwell Banker representative and businesses that may be a good fit for the area. She said the representative that we are working with is the same representative that negotiated the deal for Scheels and for Station Park west of Lagoon. She said that he has a lot of networking that will be to the City's advantage.

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

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 COUNCIL MEETING MINUTES**

Mayor Cronin said that she had forwarded some changes to the minutes, most of them grammatical, but some of them changing the substance:

- One of the drafts stated that Box Elder School District had an increase of 29% in its insurance, but that was Cache School District.
- Another change is on the June 18th City Council Meeting - Page 11, Line 37: it reads "Mayor Cronin stated that it would be \$36,000 in taxes that Perry would need to pay" she said that what she meant to say is that there is \$36,000 in taxes that would be deferred.

Council Member Montgomery gave some grammatical changes to Susan, but she did not find anything of substance.

MOTION: Council Member Montgomery made a motion to approve the meeting minutes for June 4, 2015 City Council Work Session , RDA and City Council Meetings along with the June 18, 2015 City Council Meeting Minutes with the recommended changes as noted.

DISCUSSION: Council Member Gerlach asked if it would be possible to vote on the June 4th and 18th minutes separately as he was not here on June 4th. Mayor Cronin said that would only leave 2 voting and a motion would not pass. Council Member Nelson said this would also be the case on June 18th as she was not in attendance at this meeting.

Motion failed due to lack of a second.

Mayor Cronin advised that action regarding the meeting minutes will be tabled until the next meeting.

B. TODD CHRISTENSEN: Absent.

C. PETER GERLACH: Nothing reported.

D. JANA NELSON: Nothing reported.

E. ESTHER MONTGOMERY: reported that there are some new bookshelves in the hallway outside of the City Council Chambers. She said that they are a result of a partnership initiated back in May with the Promontory School of Expeditionary Learning. She said what is coming is we are creating a free bring one take on community library. Promontory School of Expeditionary Learning has access to a grant from Deseret Industries and she was the officiator of the grant and was able to negotiate this partnership and bring this asset to the City. She said that this will be ready to roll as soon as she loads the shelves with the books she has obtained. Jerry Nelson asked if people can bring in and donate books. Council Member Montgomery said yes, although space is limited. She said that the shelving has been donated by the City. Mayor Cronin thanked Council Member Montgomery for her efforts in bringing this to the City.

F. BRADY LEWIS: Absent.

G. MAYOR CRONIN: reported that last year Perry City put in for grant funding for a trail that would connect into Willard at the end of 1200 West. She said that this would have not only put in the trail but also a road. She said that this grant was submitted through the Wasatch Front Regional Council (WFRC) and our project was ranked #2, but there was some last minute political jockeying and we ended up 4th. She said that if the top three projects do not use all funding we would receive funding. She reported that we have a meeting on August 5th to meet with BRAG and the WFRC to see if there are other funding opportunities for the project. She said it would take about \$200,000 to complete the project if the City would like to fund this ourselves. She said we are actively working the project, but would prefer to do this through grants. She stated being 4th on the list usually positions us well for the next round of funding. Council Member Montgomery asked if the City is still looking at funding through the County for land acquisition on 900 West. Mayor Cronin advised that the city budgeted money for land acquisition in our FY2016 budget and we will start working this after the Tour of Utah is complete.

Mayor Cronin reported that the Tour of Utah will take place on August 4th. She said this is one of the top 5 premier bike races in the U.S. and will feature riders coming right off of the Tour de France. She said it is a 7 day bike race and our Stage of the race will be on day 2. She explained that the riders will begin in Tremonton and travel north through Perry and onto Ogden. She invited the community out to the Perry Park to help cheer the riders on.

H. STAFF COMMENTS: Greg Westfall reported that during the Tour of Utah there will be some road closures and he will be visiting business to explain the closures. He said that there will be 20 minutes that the bikers will be coming through and the roads and business parking lots along Highway 89 will be closed at that time. He said the City will be encouraging people to come out and cheer riders on. He said that Perry City will be handing some noise makers out, and the City will be hosting activities at the park and will be handing out creamies or popsicles. He said once the Tour of Utah has come through we will transition into the National Night Out Against Crime.

Susan Obray reported that the National Night Out Against Crime will include the CERTS Team, First Responders, We will have a pump truck to squirt the kids, Smokey the Bear, The National Safety Pup, New Hope Crisis Center, Perry City Police, face painting, a bike rodeo, and there will be a lot of drawings including two bikes and helmets.

Greg Westfall said the events will be held at the Perry City Park. Mayor Cronin said the Tour of Utah will be held along Highway 89. Mayor Cronin said that the CERTS group will be helping to block off roads and she encouraged the Council Members to help if they are available.

I. ITEMS FOR NEXT NEWSLETTER

- None.

ITEM 7: APPROX. 8:05 PM EXECUTIVE SESSION

MOTION: Council Member Montgomery moved to close the Public Meeting and open an Executive Session to discuss character and fitness of an individual and potential litigation. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Gerlach, Yes
 Council Member Nelson, Yes
Motion Approved. 3 Yes, 0 No.

The Regular Public meeting closed at approximately 8:05pm.

MOTION: Council Member Nelson moved to close the Executive Session and return to the Public Meeting. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Gerlach, Yes
 Council Member Nelson, Yes
Motion Approved. 3 Yes, 0 No.

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

ITEM 8: APPROX. 9:15 PM-ADJOURNMENT

MOTION: Council Member Nelson made a motion to adjourn the meeting. Council Member Montgomery seconded the motion.

Motion Approved. All in favor.

Meeting adjourned at 8:35pm.