

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

OFFICIALS EXCUSED: Todd Christensen, Jana Nelson

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

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

ITEM 1: CALL TO ORDER

Mayor Cronin called the meeting to order.

A. INVOCATION

Council Member Gerlach offered the invocation.

B. PLEDGE OF ALLEGIANCE

Greg Westfall led the audience in the Pledge of Allegiance.

C. REVIEW AND ADOPT THE AGENDA

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

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

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

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

C. BUSINESS LICENSE(S)

- Angie Lee/Yippy Skippy

Mayor Cronin said that this is an online business. There will be no visiting clientele.

MOTION: Council Member Lewis moved to approve the business license for Yippy Skippy. 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.

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

A. Public Comment

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

Jackson Thurgood: Communications Badge

Porter Bischoff: Communications Badge

Cooper Lloyd: Communications Badge

Bridger Ricks: Communications Badge

Kade Hall: Communications Badge

Mayor Cronin handed the scouts a Perry City pin.

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

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

A. Approval of the Warrants

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

MOTION: Council Member Lewis moved to approve the warrants. 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.

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

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

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

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

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

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

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. Malone 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.

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

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

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

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

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

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

5. Approx. 7:45 PM-Discussion

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

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

B. Large Animals in Residential Zones

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

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

C. Sale of Real Property

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

D. Fourth of July Activities & Assignments

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

E. Tour of Utah

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

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

D. Jana Nelson: Absent

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

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

G. Staff Comments

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

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

H. Items for Next Newsletter

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

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

MOTION: Council Member Lewis moved to close regular meeting and move to an executive session regarding the sale of real estate. 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.

The Regular Public meeting closed at 8:10 pm.

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

ROLL CALL: Council Member Lewis yes Council Member Gerlach yes
Council Member Montgomery yes
Motion Approved: 3 Yes, 0 No

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

8. Action Items (Roll Call Vote)

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

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

MOTION: Council Member Lewis moved to approve Resolution 15-13 approving The Mayor to enter into an Exclusive Listing that will be favorable with Perry City. 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

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

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

Mayor Cronin stated this motion is 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 into that land.

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