

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

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

OTHERS PRESENT: Cody Hill, Lani Braithwaite, Nathan Tueller, Jason Gibbs, Kade Johnson, Heber Clawson, Brycen Coburn, Michael Duke, Troy Sterner, Talon Peterson, Brian Carver, Bryan Wilson, Austin Warr

ITEM 1: CALL TO ORDER

Mayor Cronin called the meeting to order.

A. INVOCATION

Council Member Gerlach offered the invocation.

B. PLEDGE OF ALLEGIANCE

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

C. REVIEW AND ADOPT THE AGENDA

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

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
Council Member Montgomery, Yes Council Member Lewis, Yes
Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

Shanna Johnson passed out the warrants.

C. BUSINESS LICENSE(S)

None.

D. AWARDING OF LIFETIME PASSES

Mayor Cronin awarded lifetime Three Mile Creek Shooting Sport Complex passes to the following individuals who have provided volunteer service, product or equipment usage since the inception of the gun range. She stated that Perry City currently has a policy in place that if any individual or business donates monetary, material or labor of over \$2,500 they could receive a lifetime pass to the gun range. Mayor Cronin reported that there are several individuals and businesses that have met this standard. Eric Halter, Jared Gallegos, Jim Keller, Nucor Steel, Kelly Williams, Smith & Edwards, Geneva Rock, Adams & Smith Construction, Bob Beebe, Staker Parsons, Marsh Construction, and Jerry Nelson all will be receiving lifetime passes. She said that later in the meeting they will be looking at adopting a new Resolution regarding the TMCSSC passes and there will be other individuals that may receive passes at the next meeting. Mayor Cronin advised that with the combined donations that the city has received so far, the gun range has received a half million dollars of labor, material, or cash donations. She said the gun range has been very well supported.

ITEM 3: PRESENTATIONS

A. BUSINESS LICENSE FEE MEDIUM SIZE RETAIL

Mayor Cronin introduced a presentation by Lewis, Young, Robertson, and Burningham (LYRB) on the business license study. Cody Hill with Lewis, Young, and Burningham stated that they advise Cities, Counties, and Special Districts throughout the Utah. Mr. Hill stated that in 2009 LYRB did a comprehensive business license study and it is included in the study that he gave the Council Members. He said a few months ago they were asked to look specifically at the impact the medium size retail has on the city.

Cody reported that they look at the different ways that a business can cause more cost for a city. He said there are three different ways. There are regulatory, environment, and administrative costs so if the cost of registering the business requires more time by city staff or requires a large amount of calls to police, fire, and ambulance services there are additional considerations. He said if a business requires a large amount of standards and regulations such as a nursing home or a day care, they have higher standards and would require more regulation. He said they looked at those three areas for how medium size retail could incur higher costs than a regular standard business license. Cody reported at the time this study was done, there was only 1 medium sized retail business in Perry City which is Tractor Supply Company. He said for the purpose of the analysis, a medium sized business is defined as a business that is occupying 10,000 to 49,999 square feet.

Council Member Christensen asked where Tractor Supply Company is as far as square footage. Cody stated that it is 22,000 square feet and one of the 246 businesses registered in Perry. He reported with the business regulatory and administrative costs they interviewed the city staff here and at other cities to see if there were higher amounts of time and processing required for medium sized business. He said the conclusion is that they do not impose additional regulatory costs for Perry or other cities that they talked too. Cody explained disproportionate services are required by medium sized businesses. They require more calls from police, fire, and ambulance than other businesses. He said the sample size is just one and so they looked at other cities to get a broader comparison and Tractor Supply Company had not been here for a full year when the analysis was done. They had only been here 9 months. Cody stated that they relied on data from other cities and the impact it would have for a long period of time. Cody said that they estimated a total of 18.6 calls for a year. He explained that all the service calls to businesses in the city require 239 calls from the services. Cody said the number of calls to the medium sized

businesses in 8 months was 14, which is 5.9% of the total calls. [Other business types in the area only make up 0.4% of the calls] therefore, there is a disproportion amount of service required for medium size business. He explained that they used the data from the 2009 business license study and adjusted it to 2015 values by looking at the total budget increase from 2009 to 2015, so the percentage in which the budget increased was used when calculating the cost per call. He said they estimated the total cost of service for all calls was \$7,388, which is the legal amount the city could impose on a mid-sized business. He said that this analysis focused on the cost side not on the revenue side. Cody advised that there are some additional considerations to review:

- While medium sized businesses do impose higher costs for city safety services, they also contribute a disproportionate amount to the city revenue through sales tax, franchise fees, and property tax.
- What other Cities around are charging for medium size businesses. Cody said Ogden City is on the high end with a fee of \$328 and Corinne is on the low end with a fee of \$25.

Council Member Christensen asked if the Brigham City fee drops from \$140 to \$80 after the first year. Cody said yes, that usually in the first year a business will have more calls due to alarm systems being calibrated, etc. He believes that is why this fee would be higher the first year.

Council Member Christensen asked what top 3 reasons can be given when staff is asked why Perry City's fee is higher than surrounding communities. Cody said that staff would want to refer to the disproportionate costs associated with the use of emergency services for medium size retail businesses. He said the study showed 5.9% of the emergency calls were associated with medium size compared to other businesses that only accounted for 0.4% of the calls. He said that it is in the cities interest to apply the costs where they are being utilized and this is done through the business license fee.

Cody advised that although \$7,388 can be charged according to the study, the recommendation of LYRB is to charge a fee between \$700 and \$1200. Mayor Cronin stated that this recommendation was discussed in the last meeting and the Council discussed setting a fee even lower than this recommendation. Council Member Gerlach said this study just sets forth what is legally justified, but does not mandate that the fee must be the maximum amount. Council Member Lewis said a business will not blink twice at paying a \$700 fee compared to a \$300 fee; it would not cause them to relocate. Shanna Johnson advised this is very similar to the fee set for Wal-Mart in that the justified fee was much higher than the suggested fee set by the City.

Mayor Cronin said that it is required to conduct a study prior to setting a fee. She said we have fulfilled this legal requirement. She said it is also recommended by LYRB that we re-evaluate the calls for service in 1 year due to the short amount of time the business has been opened. Cody agreed stating that if calls change significantly, the fee may need to be changed. Council Member Christensen asked if the fee could be changed without conducting a new study. Mayor Cronin said yes. Shanna added that this could be changed as long as it does not exceed the maximum amount identified in the study.

Mayor Cronin thanked Cody Hill and Lewis, Young, Robertson, and Burningham for their work on the Business License study.

B. PRE-DISASTER MITIGATION PLAN

Bryan Wilson and Brian Carver of Bear River Association of Governments (BRAG) presented an update to the Bear River Area and Perry City Pre-Disaster Mitigation Plan. Mr. Wilson stated he is a Planning Intern at BRAG. He said he has been working on the 2015 update on the Pre-Disaster Mitigation Plan. Mr. Wilson said that Perry City has adopted the plan twice, once in 2004 and once in 2009. He explained that the only thing that is new to the plan is the new GIS analysis and it has become more accurate through the new mapping. Mr. Wilson stated that they help communities to comply with the Hazard Mitigation Act of 2000. He said that cities don't have to adopt it but there are a lot of benefits. Mr. Wilson explained that if the city adopts the plan the city will have FEMA on their side. He stated one of the main benefits adopting the Resolution is that you can gain federal funding if there ever was a disaster. Mr. Wilson stated in the document he handed out under Natural Hazards, Mapped, Analyzed, and Addressed in the Plan in the left column all the natural disasters listed do apply to Perry City. He said through their mapping, poorly drained soils is one of the issues that they haven't found through the analysis. Mr. Wilson stated that on the right side the hazards are a little extreme, we don't see a lot of those within this region. He said we do list Radon, Severe Weather, and Drought in every jurisdiction within Utah. Mr. Wilson explained below that chart is the Potential Loss Analysis chart. He explained the Residents and Property, Infrastructure, Critical Facilities, Agricultural Amenities, and Environmental and Recreational Amenities a tie in together as they looked at all the events that could happen and compared it with Perry's critical facilities and Perry's building structures and they were able to calculate damage costs. He said they are all found in the plan on their website. Mr. Wilson stated that in 2009 while he was on his LDS Mission, he was able to work with FEMA side by side. He said there was a massive flood that came through Kentucky while he was serving there and FEMA was awesome with the disaster relief. Mr. Wilson stated that by adopting this plan, it would be a benefit to the community.

Council Member Lewis asked if this was the same plan in 2004 and 2009. Mr. Wilson stated that it was. He said that it is mainly growth numbers that changed with better mapping. Mayor Cronin expressed her thanks to the BRAG Association for all their work. Mr. Wilson stated that if the city adopted the plan and wanted to add additional strategies, that could be done in the future.

ITEM 4: PUBLIC HEARING AND/OR PUBLIC COMMENTS

A. PUBLIC HEARING REGARDING RESOLUTION 15-18 APPROVING A BUSINESS LICENSE FEE FOR MEDIUM SIZE RETAIL

MOTION: Council Member Nelson made a motion to open a Public Hearing regarding Resolution 15-18 approving a Business License Fee for Medium Size Retail. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

Jason Gibbs: asked the price of a business license fee for a small business compared to a large business. Mayor Cronin advised that a small business license fee is \$30, a medium size fee is looking like it may be \$500, and a large business license (for businesses larger than 50,000 sq. ft.) is \$5,000. Mr. Gibbs asked if the renewal each year is the same. Mayor Cronin said yes.

Austin Warr: asked if there is only one medium size business what is the benefit of setting a fee for this type business. Mayor Cronin said that the small business fee of \$30 did not fit and they would have fallen under the large business fee of \$5,000 which did not seem right, therefore the City initiated a study to set an appropriate fee.

MOTION: Council Member Christensen made a motion to close the public hearing for Resolution 15-18. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. PUBLIC COMMENTS

Travis Coburn: said he lives on 900 west. He noticed that on the agenda there is a discussion item regarding improvements to lots in the City Center Subdivision. He said that he has one concern regarding the lots that border 900 west and wants to ensure that the lots are set up so when the road is widened and put in there is not a conflict.

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

Council Member Christensen asked about the development fees and if they are passed on to the developer. Mayor Cronin stated yes.

MOTION: Council Member Christensen made a motion to approve the warrants. Council Member Nelson seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. APPOINTMENT OF PERRY CITY EXPERT TO THE WASTEWATER TREATMENT PLANT BUDGET REVIEW BOARD

Mayor Cronin stated we had a budget that was presented by the Sewer Facility Board back in April and Perry City responded to that. She said Perry City had some concerns regarding some of the budget items. Mayor Cronin explained that Perry City did not fully fund what they asked for and returned a budget Perry City felt was adequate. She stated that Willard City also returned a budget that Willard City thought was fair and adequate and the two budgets are not the same. Mayor Cronin advised the interlocal agreement says if there is ever a concern and the budgets don't match, that Perry City and Willard City should appoint an expert from each city to represent each respective city and then each city would need to agree on one person who would be jointly appointed.

Mayor Cronin put forth the name of Greg Westfall to serve as the Perry City Expert on the Wastewater Treatment Plant Budget Review Board. She advised that he would work closely with Shanna Johnson regarding this matter.

MOTION: Council Member Montgomery made a motion to approve the appointment of Greg Westfall as the Perry City Expert to serve on the Wastewater Treatment Plant Budget Review Board. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

C. RESOLUTION 15-18 APPROVING A BUSINESS LICENSE FEE FOR MEDIUM SIZE RETAIL.

Mayor Cronin stated that Greg Westfall handed out a document that detailed the square footage of what we would consider a Medium Sized Retail Business.

MOTION: Council Member Lewis made a motion to approve Resolution 15-18 approving a Business License Fee for Medium Size Retail. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

D. RESOLUTION 15-19 TO APPROVE A PRE-DISASTER MITIGATION PLAN

MOTION: Council Member Lewis made a motion to approve Resolution 15-19 to approve a Pre-Disaster Mitigation Plan. Council Member Gerlach seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

E. RESOLUTION 15-20 TO APPROVE A 2016 CITY COUNCIL MEETING SCHEDULE

MOTION: Council Member Lewis made a motion to approve Resolution 15-20 to approve a 2016 City Council Meeting Schedule. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

F. RESOLUTION 15-21 APPROVING AWARD PASSES TO THE THREE MILE CREEK SHOOTING SPORTS COMPLEX

Mayor Cronin stated that some of the items that were changed in the Resolution was she has been approving daily and season passes and giving those out just to add another level. She has suggested that they have that seconded and that they must be approved by the City Administrator or the Chief Range Safety Officer. Mayor Cronin stated that the lifetime passes are good for people to use during the public shooting hours and what they have done is added "C" Being a Perry City Elected Official or the spouse of a Perry City Elected Official during the years the TMCSSC is in operation," and D "A person or entity that has made a substantial positive impact regarding the TMCSSC as recommended by the Mayor and the Chief Range Safety Officer and/or the City Administrator, and approved by the city council." Mayor Cronin stated that a new item added is Honorary Range Safety Officer Lifetime Pass. She said this is for individuals who are Range Safety Officers, have been trained and yearly recertified on the policies and procedures of the TMCSSC, and have made an extraordinary contribution to the TMCSSC. Extraordinary is being proposed at \$20,000 in donations or 250 hours as a Range Safety Officer of volunteer service accumulated in up to ten year window. She stated item C is a person or entity that has made an extraordinary positive impact at the TMCSSC not covered to a dollar amount or hours. Mayor Cronin stated that the persons who were covered under Item C would be recommended by the Mayor and the Chief Range Safety Officer and/or the City Administrator, and approved by the city council. She said the policy has been worked by the Chief Range Safety Officer, Mayor, and the City Administrator. Council Member Lewis asked how often the Honorary Range Safety Officers needed to be certified. Mayor Cronin stated that they would need to be certified every year.

MOTION: Council Member Gerlach made a motion to approve Resolution 15-21 Approving Award Passes to the Three Mile Creek Shooting Sports Complex. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

G. RESOLUTION 15-22 FIRE INSPECTION REQUIREMENT FOR BUSINESSES WITH VISITING CLIENTELE

Mayor Cronin stated that this came about at the suggestion of the City's Fire Marshall that that the city has access to through its contract with Brigham City. She said this is one of the services the city has covered in the contract. She said the Fire Marshall mentioned that most cities require a periodic rotation for a fire inspection for businesses that have visiting clientele. Mayor Cronin advised that this would be covered under Perry City's fire contract. She said any new business that has visiting clientele would be required to get a fire inspection as part of their application for a new business license. She stated in Section 2 the city, from time to time, would do a rotation with businesses that have visiting clientele. Mayor Cronin stated that the businesses would have 90 days to get the initial report done and if it was a successful inspection then the business would be the end of it. If there were any concerns noted by the Fire Marshall, the business would have to comply in that 90 days, or the city would go off what the Fire Marshall recommended time frame for the business completed the noted items. She said Section 3 addresses if the business does not comply and get the inspections done, then there could be a penalty of \$50 a day or as

severe as a revocation of their business license. Mayor Cronin stated that new businesses within the last couple of months have had fire inspections as part of their application process. Council Member Christensen stated that he sent some questions in today regarding piano lessons. He said that the city really doesn't enforce piano licenses, some get them and some don't, they have visiting clientele so would they have to get a fire inspection. Mayor Cronin stated that they would because they do have visiting clientele. She said the city may not rotate them in as often. She said part of it is a liability issue. Mayor Cronin explained as they talked with Mike Young the Fire Marshall he stated if the City is not pro-active with these kinds of things there could be a liability suit. She advised that we have 52 businesses with visiting clientele, and the city did 2 fire inspections a month that would rotate businesses in about every 2 or 3 years. Council Member Montgomery asked how the City will track that. Mayor Cronin stated that Staff has a spread sheet that would track things. Council Member Lewis asked what the process was.

Greg Westfall explained that businesses have standard paperwork that is filled out for their business which gives the information on how to contact the Fire Marshall to set up a date for inspection. He said when a business turns in its business license application then it would also turn in the report from the Fire Marshall. Council Member Lewis stated that the city is retroactively auditing the businesses that have not had an inspection. Greg Westfall stated that is correct. He said the Fire Marshall has suggested that all businesses get inspected periodically. Council Member Christensen expressed concern that 3/4 of the businesses in Perry will go underground or not get a city license because there are too many hoops. Mayor Cronin stated if they get a city license and there is a problem, then the city may be liable, so this is a way to limit the city's liability. She said if someone has a business and the city does not know about it and they have a problem then the liability falls upon the citizen. Council Member Christensen asked if there is a way to set a thresh hold, for example if they are a business of 3 employees with 50 visits per month. Greg Westfall stated that the recommendation from the Fire Marshall is if any business that has any visiting clientele, the minute that one individual walks in the door there is liability attached to that. Mayor Cronin stated that if someone is going to have a Perry City business license then that license has some liability to Perry. She said we are going to have to follow the recommendation from the Fire Marshall in order to limit Perry's liability. Council Member Christensen asked if the Fire Marshall adjusts the type of inspection for the type of business. Greg Westfall stated that he does. Council Member Lewis asked if there was a way to remedy this by having the business owner take on the responsibility of getting the inspection. Greg Westfall stated that the business owner would come before the council and explain why their business does not have visiting clientele if that was the way it was set up. Mayor Cronin stated that if the business owner says they don't have visiting clientele then the city is not liable.

MOTION: Council Member Lewis made a motion to approve Resolution 15-22 Fire Inspection Requirement for Businesses with Visiting Clientele. Council Member Nelson seconded the motion.

ROLL CALL: Council Member Christensen, No
Council Member Montgomery, Yes
Council Member Gerlach, Yes
Council Member Nelson, Yes
Council Member Lewis, Yes
Motion Approved. 4 Yes, 1 No.

ITEM 6: DISCUSSION

A. ACCOUNTING CONTRACT RENEWAL

Mayor Cronin advised that the Accounting Contract for Davis & Bott was renewed for Fiscal Year 2015 for the same amount they had previously and will allow for a 2 ½ % increase for inflation every year thereafter. She said that Davis & Bott put in the contract that anytime they felt a project was out of the scope that would require additional billing; it had to be noted in writing prior to the work being done. Mayor Cronin stated that the contract renewal was within budget. She said this contract is renewable every year. Mayor Cronin advised that in May if we desire to look elsewhere for Accounting Services the city has to give Davis & Bott a 30 day notice. If anywhere in the contract time things are not working out, we can end the contract with a 30 day notice.

B. MEETING PROTOCOL

Mayor Cronin stated that she and the City Staff are looking to update the meeting protocol. Greg Westfall explained in our code it is listed that we follow the Roberts Rules of order but we do not follow this in its entirety, therefore, it would be better to update the meeting protocol in the Municipal Code to reflect the meeting protocol we do practice. Greg stated that we have a 23 page city code to add to the Roberts Rules in order to be compliant with our meeting protocol. Greg stated in the 23 pages that the city adopted there are multiple pages of state code that are referenced. He said the difficulty in referencing state code is if the state changes their code, then the city is out of compliance and would have to go in and redo the code. Greg stated that some of the things that are in there are ethical rules, taking of minutes, votes to approve the minutes, closed meetings or executive sessions, oath of office etc. He said these are things that we do not need to copy. They are already in the state statute. Greg advised that we could eliminate 60-70 % of the 23 pages just in state code references. He said those are the type of recommendations they would like to make. He said there are some good things in the 23 pages we have. He stated state law allows you to hold electronic meetings but requires if it is allowed the cities have to write their policies and how they are worded. He recommends keeping that. He felt that they could turn the 23 pages into 4 or 5 pages.

Greg asked the council if they were amenable to the staff taking it on and giving our suggestions and recommendations in order and bringing it back to the council for adoption. Greg stated that they will have more recommendations as they go forward. Mayor Cronin stated that we either need to comply or change. She said one thing that David Church said was that the Chairman sets the agenda and if a council member wants to put something on we have to have 2 or 3 council members. Greg stated he has also recommended that for our Planning Commission in getting things on its agenda. Council Member Christensen stated that we like a simplified form of Roberts Rules. He said it helps maintain order and how the meeting should proceed. Mayor Cronin stated that we want it more relaxed we just need to define it. Malone Molgard stated that we want to do it so we have order. He said that if they don't need Roberts Rules, you need to have it in there how you want the meeting to be ran. Council Member Christensen said one thing he would recommend would be some wording that you could fall back on as Chairman of the meeting. When there is a public disturbance in the audience ask for order, this is not a public speaking moment.

Mayor Cronin stated that the feeling she gets is that everybody will be ok if we move away from Roberts Rules. She said she and Greg will work on the wording and simplify it down.

C. QUARTERLY FINANCIAL REPORT

Shanna Johnson gave a financial update for the month of September 2015. She reported that 25% of the fiscal year has elapsed and 17% of General Fund revenues have been collected, 24% of Utility Fund Revenues have been collected, and the sewer fund has received 20% of planned revenues. Shanna advised that the Sewer Fund is awaiting some additional reimbursements from Willard and the State for operation and maintenance expenses. She reported that the City has collected 32% of Non-Operating revenues, which consist of impact fees. She said we are doing very well with permits, in the past 12 months the City has issued 39 permits as compared to 12 permits the prior year. She reviewed expenses, stating that the General Fund has spent 30.4% of its budget. She reported that the Utility fund has spent 22.8% of the planned budget, and the sewer fund has spent 17.4% of its budget. Shanna advised that she just received 7 pages of journal entries that are Fiscal Year 2015 year-end adjustments, the entries include revenues and expenditures that belong to the previous year. This will reduce the amount of revenues and expenditures currently included in this report.

Shanna said there are a few areas that are show higher than expected due to 1 time expense i.e. fire always shows high because we have a contract payment with Brigham City for \$19,000 which makes up the majority of that budget. She said this will balance as the year moves forward. Shanna stated in Community Development we have a SID Bond payment that was just transferred over and this budget will also balance out with time. She said the Gun Range is a little high but the season just ended in October and will not reopen until the spring. Council Member Christensen stated that he didn't recall seeing the SID payment in the warrants. Shanna stated that payment goes through a wire transfer and is a regular bond payment and so it doesn't come through on the warrant for approval.

Shanna advised that sales tax has been coming in better than plan for the first two months of this fiscal year. In September it came in 6.73% better than the previous year and in October 3.63% better than the previous year. She said we are trending at receiving \$870,000; we planned to receive \$865,000. She said if we collect the \$870,000, we will be \$22,000 better than the previous year. Shanna stated deliverables and adjustments needed for the financial statement are just about wrapped up and soon the financial statement will be sent to the auditor. Council Member Christensen asked how Caselle was working. Shanna stated that it is working well. Council Member Christensen asked if the additional modules are working out ok. Shanna stated that they are working well and would like to get additional modules as we can.

D. SUBDIVISION PROCEDURE

Mayor Cronin stated as we have worked over a couple of issues this summer and found if there were some procedures in place we could have avoided some of the concerns we have had to deal with. Greg Westfall explained that he is working on Subdivision Procedures, which will allow rules for new development in the City. This will be presented at the next

City Council Meeting. Greg stated that the first item is escrows and how those are set up with the developers. Greg Westfall stated that an escrow is a guarantee set up by the developer putting enough money in an account to finish the project so the city is not left to finish the project. Greg said that the state law lets the developer do one of two things by state law. They can start the project once it is approved without an escrow but they can't sell anything until the entire project is completed, or they put the escrow up front with a recommended dollar amount by our engineer based on the policies. Once that is done they can go forward and sell lots. Greg stated that their thoughts are that the developer would need to declare up front if they choose to do the build out or the escrow. He said another issue is whether they can switch in the middle of the project. He said these are some of the things we need to address in the subdivision policy. Greg stated another thing the city would like to address is a certain number of draws from the escrow for the project.

Mayor Cronin stated that the engineer has to send someone to the project to verify what percentage of the project is done. She said every time they want a draw the city has to send someone out to verify the percentage and that is what costs the city money. Council Member Christensen asked what the reserve percentage was with the final project. Greg stated that it is 10% of the project and that stays for a year. He said once the draws are requested that will define how many days the city staff will have to process that escrow draw. He explained conditional acceptance is when the project is done and that starts the one year warranty period. Greg advised that they want to define what conditional acceptance is and it will be issued when 100% of the development is complete. This will be determined by the City Engineer. Mayor Cronin stated the issue is that some of the developers want to start the conditional acceptance early in the process which means the roads start in July and maybe the sewer doesn't start until December and they have a one year warranty. She said it makes it a logistic nightmare for the city to track. Mayor Cronin explained in talking with the City Engineer he suggested that the one year warranty should start after the project is complete. Greg stated all communication from the developer should go through city staff first and not the City Engineer. Mayor Cronin stated this is where it is really starting to cost the city. She said that developers feel they can go straight to the City Engineer and we are being charged hours. Mayor Cronin stated that the City Engineer is the City's Engineer and if the developer wants an Engineer then they need to go to their own engineer. Greg continued to say that all official meetings between the city and the developer will be recorded and put in the file. Greg said that the City Staff will keep an activity log for each subdivision that will track those meetings. He stated that these are the recommendations that we are making. Council Member Christensen stated that in 2008-2009 we lost a lot of escrow money due to the change in the economy. He said that we had money in banks that then filed bankruptcy, but a lot of those times those assets were transferred to sister institutions. Council Member Christensen stated that we have subdivisions in the 2250/ 2450 south area that never got the light poles and never got stuff put in because that money disappeared. He said that he is curious to know if some of those funds were moved to another financial group and to see if we have access to get that money back.

E. IMPROVEMENTS TO LOTS IN THE CITY CENTER SUBDIVISION

Mayor Cronin stated that Planning Commissioner Travis Coburn noted that we need to make sure that the frontage allows for road widening at some point. Greg Westfall reviewed a new plan for improvements in the City Center Subdivision. Greg stated that it

just went through the Planning Commission for Concept/Preliminary approval which it received. He said we are still working towards final approval and will take into consideration some of the comments. Greg explained that the city will have to do a few things. The extent of work has not been determined as we work towards final with the Planning Commission then that will be decided. He said that right next to the Three Mile Creek Elementary School there is an approach up into the property. Greg stated with the proposal that we put together that does not need to be there. He said the city will need to take it out and extend the curb, gutter, and sidewalk, which would be a cost to the city. Greg advised as we work towards final approval with the Planning Commission the decision will have to be made. He said that Jones & Associates is working on an estimate of how much it would cost to improve the lots. Greg said these are the type of items that we will have to come back to the council and getting approval for the expenditure of those funds so that we can get those lots to a improved condition so that the city can start selling lots. Greg explained that selling it as an improved subdivision versus an unimproved subdivision makes the lots more sellable and more valuable. Commissioner Coburn stated that this was the consensus of the commissioners. They liked getting rid of the road and changing the lot sizes.

ITEM 7: MINUTES & COUNCIL MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. APPROVAL OF CONSENT ITEMS

- **September 3, 2015 City Council Meeting**

Council Member Lewis asked that the word “residents” on page 2, line 13 be changed to “residence”.

MOTION: Council Member Montgomery made a motion to approve the minutes for the September 3, 2015 City Council Meeting as amended. Council Member Lewis seconded the motion.

Motion Passed. All Council Members were in favor.

- **October 1, 2015 City Council Meeting**

Council Member Montgomery stated that she forwarded some grammatical corrections to Shanna to be included in the minutes.

MOTION: Council Member Montgomery made a motion to approve the meeting minutes for the October 1, 2015 City Council Meeting with grammatical corrections. Council Member Gerlach seconded the motion.

Motion Passed. All Council Members were in favor.

B. TODD CHRISTENSEN: gave a Utopia update. He said that there have been Utopia trucks in the city. Council Member Christensen stated that they brought the redundant connection in from UDOT; they have some gear in the hut at Perry Park, they have stabilized that and have power in that. He said he has talked to some of them and they are going around town to verify what they have in the ground. Council Member Christensen stated that Utopia has canceled all the board meetings since August, but have one scheduled for December.

C. PETER GERLACH: advised of a concern he has received regarding a city owned parcel referred to the narrow neck of land that has some woodchips, a bad fence, stickers and weeds covering the sidewalk so people are walking down the street instead of the sidewalk.

Mayor Cronin stated that we can get the weeds and stickers cleaned up before it snows. She said regarding the woodchips the plan is to store those and then in the spring offer the chips to our citizens for their gardens.

D. JANA NELSON: Nothing reported.

E. ESTHER MONTGOMERY: reported that the Holiday movie will be December 5, 2015 at 9:00am and 11:00am and the City will be showing the “Minions” movie.

F. BRADY LEWIS: Nothing reported.

G. MAYOR CRONIN: stated that we are still in touch with the gentleman who is going to do the communications tower and that project that is currently at the Planning Commission. She said there were some concerns with it being in a residential area. Mayor Cronin advised that however we have to deal with the application based on the code that is in place, if the Planning Commission want to change the code they can but we have to adhere to the code that is in place now. Mayor Cronin stated that shortly after the state match it was requested by the Chief to take the Gun Range activities and move them out of the police department. She said it has come to a point where the gun range is a city recreational facility. Mayor Cronin said that it has been moved over to Community Development. She said we still have a Chief Range Safety Officer, but Three Mile Creek Shooting Sports Complex is no longer run through the police department.

H. STAFF COMMENTS: None.

I. ITEMS FOR NEXT NEWSLETTER

- Holiday Movie

ITEM 8: EXECUTIVE SESSION

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

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

The Regular Public meeting closed at approximately 8:52pm.

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

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

The Regular Public meeting reopened at approximately 9:20pm.

ITEM 9: ACTION ITEM

A. REQUEST FOR PROPOSAL (RFP) PROCESS FOR CONTRACTED SERVICES

MOTION: Council Member Christensen made a motion to approve opening an RFP for Cleaning Services and City Attorney Services. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Christensen, Yes Council Member Nelson, Yes
 Council Member Montgomery, Yes Council Member Lewis, Yes
 Council Member Gerlach, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 10: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:22pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder