

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
Dale Weese, Chief of Police

OTHERS PRESENT: Kyle Coburn, Travis Coburn, Jerry Nelson, Debbie Nelson, Jace Tilley, Natasha Tilley, Lani Braithwaite, Dale Weese, Devin Miles, Randy Matthews, Brad Wilkinson, McKell Casper, Len Nelson, Kristy Hall, Steven Pettingill

ITEM 1: CALL TO ORDER

Mayor Cronin called the meeting to order.

A. INVOCATION

Mayor Cronin offered the invocation.

B. PLEDGE OF ALLEGIANCE

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

C. REVIEW AND ADOPT THE AGENDA

Council Member Lewis asked if item 5A should be discussed prior to 4B. Greg Westfall stated that the City would need to review and take action on 4B as presented by the Planning Commission regardless of the discussion on item 5A and stated he felt the order of the agenda was appropriate. Council Member Lewis said he did not see anything regarding his eligibility listed on the agenda. Mayor Cronin stated she was going to report on this during the Conflicts of Interest section of the agenda. Council Member Lewis asked if we are going to have an Executive Session. Mayor Cronin said yes. Council Member Lewis asked if items 8A, 8B, and 8C were contingent upon the discussion in the Executive Session. Mayor Cronin said yes there will be information given in the executive session that will play into those action items. Council Member Lewis suggested removing the words 'if needed' after Executive Session.

MOTION: Council Member Lewis made a motion to approve the agenda as amended. Council Member Nelson seconded the motion.

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

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

Mayor Cronin explained that a couple minutes ago the Council asked for interpretation from the Lieutenant Governor's office regarding Council Member Lewis's eligibility to serve as a City Council Member as he is currently living in Tremonton. She stated that the City did receive a letter back from the Lieutenant Governor's office and she has forwarded a copy to the City Council. She said because this issue was brought up by a citizen she is going to read a portion of the letter from the Lieutenant Governor's office, signed by Justin Lee:

"There is sufficient information provided by Council Member Lewis to reasonably accept that he and his family are only temporarily residing in Tremonton with his principal residence remaining in Perry. Based on Council Member Lewis's intent to send his children to school in Perry in the fall of 2015 and a conversation with Council Member Lewis on August 6, 2015 in which he indicated that he is ready to sign paperwork to begin construction on his real property with a timeline to complete construction within 6 months. If the construction takes much longer than the estimation to complete, if Council Member Lewis registers to vote outside of Perry or if Council Member Lewis takes any other action that indicates his intention to make Tremonton his primary place of residence it would be reasonable to revisit this issue. It would also be appropriate to revisit this issue if a person challenges Council Member Lewis's voter eligibility."

Mayor Cronin said with that she would think that the Council would be comfortable with Council Member Lewis taking part in the Council Meeting tonight. The City Council agreed with the Mayor's assumption.

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

Shanna Johnson passed out the warrants.

C. BUSINESS LICENSE(S)

None.

ITEM 3: PUBLIC HEARING AND/OR PUBLIC COMMENTS

A. PUBLIC COMMENTS

Mayor Cronin opened the meeting up for public comment.

Jerry Nelson: said that he has a heavy heart, as the gun range has been his passion for longer than he has been involved in politics. He stated with some of the recent issues he finds it necessary for his wife and himself to resign and step away from their target coordinator positions because of the safety issues and other reasons they in good conscience cannot be a part of this endeavor. He brought up several questions. Jerry said the Council was manipulated by the Mayor last meeting so that she could get the new policy passed. He claimed that Mayor Cronin threatened to cancel the NRA State Match if certain volunteers did not support and sway you to pass the policy. He asked how is it true that the gun range resolution was changed months or years ago but the gun board was not notified until August 13th.

Mayor Cronin and Chief Weese advised Jerry that his time is up.

Steve Pettingill: stated said he attended the City Council meeting last month and was concerned with discussion regarding the Wastewater Treatment Plant employee Jeff Hollingsworth and his vacation benefits. He presented a flow chart for the Wastewater Treatment Board and instructions from both Perry and Willard that represented the prior administration of the facility. He said that as long as no other flow chart has been passed by both cities, he considers this to be the document that the Board works from. He said it was noted that Jeff had been in Island park and did not use vacation. He explained that Jeff Hollingsworth worked 43 hours that week and because of this did not need to use vacation. He expressed his appreciation that Jeff has operated the facility with no violations for the past 5 years.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

MOTION: Council Member Montgomery made a motion to approve the warrants. 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.

B. FINAL APPROVAL OF SUNCREST SUBDIVISION PHASE 1

Mayor Cronin said that this subdivision went through the Planning Commission and was given a recommendation for City Council approval. Council Member Lewis brought up a concern with the size of lot 10 and setbacks. He asked how a normal size home would fit on the lot. Planning Commissioner Coburn said that the landowner would just need to build a home that would meet the confines of the lot and the setbacks. Greg Westfall said he is unsure of the setbacks but the lot itself is just shy of a 1/3 of an acre. Commissioner Coburn said that they addressed this concern already during the Planning Commission meeting. Council Member Lewis said that he does not remember them addressing this lot specifically and it does fall within compliance, but he is just raising the concern. Greg said it does fall within compliance and the home placed on the lot would just need to meet the setback requirements. Commissioner Coburn said that if a homeowner chooses to buy the lot they can. Mayor Cronin said that our current ordinance allows for the lot as presented and the Council could go through the process to change these requirements for future applications but we must take action on the current application based on our current code. Council Member Lewis said that he does not want to challenge our current ordinance. Greg said the Council could address this going forward.

MOTION: Council Member Lewis made a motion based on our current Ordinances to grant final approval of the Suncrets Subdivision Phase 1. 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.

C. FINAL APPROVAL OF ORCHARD VIEW AMEND AND EXTEND

Greg Westfall reviewed the subdivision amendment stating that lot 1 has purchased some property from the Suncrest Subdivision to extend the property. He said that this would be adjusting the lot lines.

MOTION: Council Member Lewis made a motion to approve the Orchard View Amend and Extend. 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. MOTION REGARDING THE CANCELLATION OF THE SEPTEMBER 17, 2015 CITY COUNCIL MEETING

Mayor Cronin advised that there will be elected officials and staff members attending the Utah League of Cities and Towns conference that will take place during the September 17th City Council meeting and proposed cancelling the meeting.

MOTION: Council Member Gerlach made a motion to cancel the September 17, 2015 City Council Meeting. Council Member Christensen 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 5: DISCUSSION
A. DETENTION PONDS

Greg Westfall advised that the City is looking at possible doing a regional detention to replace 4 smaller basins on the east side including the detention basin just approved in the Suncrest Subdivision. He said if we were able to construct the proposed regional basin and if there were a major storm that caused flooding it would flood the highway, not homes. He said the consolidation of the detention ponds would result in less work for the public works crew. It would also give us added capacity. He said that with land swaps and trades the city would be looking at investing approximately \$50,000 in the project. He said that the recommendation from City staff and the City Engineer is that this is a good project and would be a priority of Perry City to work toward. Council Member Christensen asked if we were to add up the cubic feet of the smaller basins would the new regional basin have the same capacity. Greg stated it is possible that it would have more capacity. Council Member Christensen asked how the storm water would be fed to the regional basin. Greg stated that he believes that the run off would be piped to flow through the storm drain system to the new basin. Council Member Lewis asked what will happen to the current detention basins. Greg said that one is privately owned and the others are owned by Perry City. The City would be able to do what they like with the basins that we own. Mayor Cronin said that the City could possible sell the land as buildable lots and that is part of the cost

recuperation. Council Member Christensen asked where the land is that would be used for the regional basin. Greg stated at the bottom of the street along Highway 89. Council Member Lewis said that we would have to take out orchard and asked how much of the orchard would need to be taken out. Randy Matthews said that this is part of the subdivision that was just approved so this would not be orchards. Brad Wilkes stated that this would be on Mr. Matthews' commercial property. Mayor Cronin advised that this would alleviate some of the other detention ponds that are near capacity and it will also tie in to a pipe that would go upstream and connect to a pipe that the Flood Control Board was trying to gather some storm water from. Council Member Lewis asked if this included a land swap. Mayor Cronin said yes. Greg stated that the estimated cost of construction for the regional basin is \$128,000, but with the land swap it brings it down to approximately \$50,000. Council Member Christensen stated that he knows that gravity is a factor when working with detention basins, but we are also looking to utilize prime commercial land for the basin. Greg stated that this would be landscaped. Council Member Christensen said we do not collect any sales tax off of a detention basin. Greg agreed that we do not. Council Member Lewis said that the City also does not have a good track record for taking care of weeded lots. Mayor Cronin asked for any specific concerns so they can be reviewed prior to this being presented as an action item. Council Member Christensen stated his concern was utilizing commercial land on Highway 89 for a detention basin. Council Member Lewis asked if this basin could be installed further up the hill so that the commercial value could still retain its value. Mayor Cronin asked the landowner Randy Matthews if he had any input he would like to share. Mr. Matthews said that he did not believe that the Utah Department of Transportation would allow for access to this small sliver of land. He stated that this is a very small parcel and is very narrow. He said the only option would be to sell it to the animal hospital and that would depend on their interest in purchasing the land. He said that the property is limited due to access. Council Member Christensen agreed stating there is no driveway to the property. Mayor Cronin stated that is a point that the City Engineer brought up is that they would most likely have to use the access provided by the animal hospital. She said that they could still most likely sell the property behind the detention basin for commercial use.

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

A. APPROVAL OF CONSENT ITEMS

None.

B. TODD CHRISTENSEN: nothing reported.

C. PETER GERLACH: Nothing reported.

D. JANA NELSON: Nothing reported.

E. ESTHER MONTGOMERY: Nothing reported.

F. BRADY LEWIS: Nothing reported.

G. MAYOR CRONIN: announced that the City will be hosting the first Utah State NRA Black Powder Cartridge Rifle (BPCR) Championship this weekend and opening ceremonies will be at 7:30am on Friday; she invited the Council to attend. Mayor Cronin asked Chief Weese to explain the competition. Chief Weese stated that BPCR matches date back to pre-1900s. He said that participants use a brass cartridge that must be loaded with black powder. He said that the match is timed and you get 5 minutes to get 5 shots at 600 yards. He reported that there will be several State Champions present from Montana, Idaho, California, and back east. Mayor Cronin said there are 50 registered contestants.

Mayor Cronin said that Peach Days is the following week and there is an open invitation to the Council to be part of the parade. She stated that Perry City will also be presenting the community service award at the Peach Queen Pageant. She said that she will be there to present the award.

H. STAFF COMMENTS: None.

I. ITEMS FOR NEXT NEWSLETTER

- None.

ITEM 7: EXECUTIVE SESSION

MOTION: Council Member Montgomery moved to close the Public Meeting and open an Executive Session to discuss potential litigation and Character and Fitness of an Individual. Council Member Christensen 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 7:36pm.

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

The Regular Public meeting reopened at approximately 8:33pm.

ITEM 8: ADDITIONAL ACTION ITEMS

A. APPROVAL OF AN INVESTIGATION INTO CITY PURCHASES

MOTION: Council Member Montgomery made a motion to initiate an investigation into the purchase of items by Perry City to ensure proper allocation of funds transpired. Council Member Lewis seconded the motion.

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

Council Member Nelson, Yes
Motion Approved. 5 Yes, 0 No.

B. APPROVAL TO EXPEND FUNDS FOR LEGAL SERVICES

MOTION: Council Member Christensen made a motion to approve the expenditure of funds for legal services up to \$12,000. Council Member Montgomery seconded the motion.

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

C. BENEFIT EXCEPTION REQUEST

MOTION: Council Member Nelson made a motion to grant the exception request submitted by Mr. Jeff Hollingsworth and restore 314 hours of vacation into his vacation allocation with a sunset period of 3 years at which time his vacation and carryover will be in accordance with the Perry City Policy. Council Member Gerlach seconded the motion.

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

ITEM 9: ADJOURNMENT

MOTION: Council Member Montgomery made a motion to adjourn the council meeting. Council Member Christensen seconded the motion.
Motion Approved. All Council Members in favor.

The meeting adjourned at 8:37pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder