

family. Debbie Hatfield presented Ayumi Shirata, Ryan Cronin presented Mitsuki Miara, and Mrs. Allred presented students from their home. The Mayor took a picture with the students. Mayor Nelson thanked them for visiting our City and gave each a Perry City pin and T-Shirt.

A. YARD OF THE MONTH AWARD FOR JULY

Susan Obray presented the yard of the month award for July to Kaye and K. Doyle Russell; this award included a \$25 gift card to Alpine Gardens.

ITEM 4: PUBLIC COMMENTS AND/OR PUBLIC HEARINGS

A. PUBLIC COMMENTS

Doyle Russell: suggested some solar powered Deer Caution signs to be placed on the highway. He said there are many people who would be willing to help with the cost of the sign. Council Member Malan advised him to contact UDOT.

ITEM 5: LAND USE ISSUES

A. DEVELOPMENT AGREEMENT FOR CANYON GATE SUBDIVISION NO. 4 LOT 1

Duncan Murray advised there is a newer version of the document and presented a comparison chart detailing the changes made. He advised the two main issues to focus on would be the duration of the agreement and how to deal with charitable or non-profit businesses. He said the land use chart now includes retail use, and if the city changes retail use to include charitable/non-profit retail in this definition, this would resolve any issues. Council Member Cronin said she met with a special economic development committee today and reviewed the land use in this area. She mentioned that Scott Lyons from the County Economic Development department was present and he said the charitable business would fall under retail because they are exchanging money for items. She recommended the notation about charitable/non-profit store business be removed from the development agreement, as this would already be considered a retail business. Shirlene Peck said she prefers dealing with lot 1 only at this time and that lot 2 (that may have non-profit in it) can be addressed at a later date. Duncan said he could change the document to address only lot 1. Council Member Cronin said she is fine with a 20 year agreement if there is a development and a business operating in the area; if not, she would like this to revert after 3-5 years. Shirlene stated she was fine with this reverting if no development takes place after 5 years. Council Member Peterson and Malan stated they preferred 3 years.

MOTION: Council Member Cronin made a motion to approve the Development agreement for Canyon Gate Subdivision No. 4 Lot 1 with the following amendments:

- Paragraph 1 deleting any reference to lot 2 and only including lot 1.
- Paragraph 3 completely deleted
- Paragraph 5 changed from a 20-year agreement to a 25-year agreement, with a clause that requires a building be built within 3 years in order for the agreement to remain in effect or it would revert to the zoning and land use chart in place at that time.

Council Member Cronin seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes

Motion Approved. 3 Yes, 0 No.

B. DISCUSSION REGARDING AUGUST 4, 2011 PLANNING COMMISSION MEETING AND MOTION TO WAIVE TWO WEEK WAITING PERIOD TO DISCUSS ITEMS C

No discussion regarding the planning commission meeting.

Approx. 7:19pm

MOTION: Council Member Peterson made a motion to waive the two-week waiting period to discuss item 5C. Council Member Malan seconded the motion

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

C. FINAL APPROVAL OF SITE PLAN AMENDMENT TO EXPAND THE FUELING CENTER AT FLYING J CENTER, LOCATED AT 1674 WEST 1100 SOUTH AT POINTE PERRY

Duncan Murray advised that the City’s inspector, engineer, and Fire Marshall have reviewed the site plan (and the State Department of Environmental Quality is aware of the application). Everything seems to be in line with all regulations and requirements. He said the truck stop plans to expand the fueling center. The Planning Commission recommends approval. Tim Perrien (representative for Flying J, Engineer for project) advised this expansion would include two new lanes with two new dispensers to the existing dispensers; they would add the appropriate asphalt, paving, curb and gutter. Council Member Cronin asked if any changes will be made to the underground tanks. Mr. Perrien said no. Council Member Malan asked if there was proper drainage in the event there was a spill. Mr. Perrien said yes, advising there are surface drains and the ground is at a slope to accommodate a possible spill.

MOTION: Council Member Cronin moved to approve the final site plan amendment to expand the Fueling Center at Flying J Center, located at 1674 West 1100 South at Pointe Perry. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

ITEM 6: FINANCIAL, PUBLIC UTILITY, AND TECHNOLOGY ISSUES

A. RESOLUTION 11-19 TO AMEND TITLE 84 (FEE SCHEDULES) REGARDING THE FEE FOR TRAFFIC SCHOOL (TO COVER CITY COSTS)

Mayor Nelson stated the City is not recuperating the costs for traffic school and is recommending the fee go from \$25 to \$50, plus any fees charged by the County.

MOTION: Council Member Malan made a motion to approve Resolution 11-19 to amend Title 84 (Fee Schedules) regarding the fee for Traffic School to \$50.00. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

B. APPROVAL OF WARRANTS

Council Member Malan questioned the bill for electrical installation at the wastewater treatment plant. Duncan advised that each month we pay for power used at the plant and a second portion of our power bill is a payment for connection of power to the plant, including the line ran to the site. He said if someone else developed in the area, they would have to pay the plant back for their portion of the connection. Council Member Cronin questioned payment to Johansen Construction. Duncan advised this is final payment from escrow, due to the work being 100% complete.

MOTION: Council Member Malan made a motion to approve the warrants. Council Member Peterson seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

C. RESOLUTION 11-20 TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT FOR A HARDSHIP GRANT FROM THE WATER QUALITY BOARD HARSHIP GRANT FUND

Duncan Murray advised this is the formal agreement accepting the grant from the state, which includes the monies for operations related to the phosphorus removal study, and the construction of the Alum building. He advised this is cost free to the city and is interest free.

MOTION: Council Member Cronin made a motion to approve Resolution 11-20 to authorize the Mayor to sign the agreement for a Hardship Grant from the Water Quality Board Hardship Grant Fund. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No.

ITEM 7: PERSONNEL ISSUE

A. None.

ITEM 8: APPROVAL OF MINUTES, CITY COUNCIL & MAYOR REPORTS

A. APPROVAL OF MINUTES FOR:

1. JULY 28, 2011 RDA MEETING MINUTES
2. JULY 28, 2011 REGULAR MEETING MINUTES
 - Page 2, Line 23: Council Member Peterson recommended the following words be added to the sentence (see bold and underlined) “ She said she doesn’t want to be taxed out **of the City and** hopes ...”

MOTION: Council Member Peterson made a motion to approve the minutes for the July 28, 2011 RDA and Regular City Council Meetings, as amended. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes
 Council Member Cronin, Yes
Motion Approved. 3 Yes, 0 No

B. BOYD MALAN: None.

C. MARCI SATTERTHWAITE: Absent.

D. KAREN CRONIN: Council Member Cronin stated she met with the Duncan Murray earlier in the week and they decided the land use chart needed to be reviewed. She said she received approval from the Mayor to put together a sub-committee to review this; the committee includes Commissioners Steve Pettingill and Esther Montgomery, herself, Matt Hansen (a local business owner), Duncan Murray, Codey Illum, and a representative from the County. She said they will work together to review the land use chart, recommended revisions will be presented to the Planning Commission and then Council. Council Member Cronin requested City Council participation on the City float during Peach Days. She said the Business Expansion and Retention program has been doing a lot of visits with businesses in the Brigham City area and has been getting a lot of good comments. She recommended that the program resources be shared with any businesses in Perry that may benefit. There will be more information in the next City newsletter.

E. BILL WALKER: Absent.

F. TOM PETERSON: Council Member Peterson provided feedback from citizens. He said there is a safety problem when coming out of the Moore’s Family restaurant due to people parking in front of the restaurant. He recommended getting a hold of UDOT to pain the curb on the frontage of the property red. Council Member Peterson said he spoke to the owner of Moore’s Restaurant about putting historical pictures of Perry to be placed on the walls of his restaurant. He recommended getting him a CD of the pictures for him to pick photos from. Mayor Nelson said he will get him a disc. Council Member Peterson said some repairs were made by Pineview Water 1 block south of 2400 South on 500 West and some sand has collected in the drain and needs to be unplugged. He reported that demolition of the old Indian schools has begun in Brigham City in preparation of the new expansion of Utah State University (Brigham Campus). Council Member Malan questioned

where the Planning Commission is on the tree ordinance. Council Member Peterson said they are still studying this. He reported that the Planning Commission has also decided to table the historical sign ordinance.

G. MAYOR NELSON: None.

H. ITEMS FOR NEXT CITY NEWSLETTER:

- None.

ITEM 9: ADJOURNMENT (NEXT REGULAR MEETING ON AUGUST 25, 2011)

A. MOTION TO ADJOURN

MOTION: Council Member Cronin made a motion to adjourn. Council Member Malan seconded the motion.

ROLL CALL: Council Member Peterson, Yes Council Member Malan, Yes

 Council Member Cronin, Yes

Motion Approved. 3 Yes, 0 No

The meeting adjourned at 8:08PM.

Susan Obray, City Recorder

Jerry Nelson, Mayor

Shanna Johnson, Chief Deputy Recorder