

OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting. Council Member Toby Wright, Council Member James Taylor, Council Member Esther Montgomery, and Council Member Brady Lewis.

OFFICIALS EXCUSED: Council Member Nathan Tueller

CITY STAFF PRESENT: Greg Westfall, City Administrator
Shanna Johnson, Chief Deputy Recorder
Scott Hancey, Sergeant Police Officer
Greg Braegger, Public Works Director
Craig Hall, City Attorney

OTHERS PRESENT: Brian Owen, Ava Hanson, Stuart Grover, Ali Jamili, Monica Taylor, Katey Miles, Malinda Gibbons, Alyssa Braegger

ITEM 1: CALL TO ORDER

Mayor Cronin called the City Council meeting to order.

A. INVOCATION

Council Member Wright offered the invocation.

B. PLEDGE OF ALLEGIANCE

Mayor Cronin led the audience in the Pledge of Allegiance.

C. REVIEW AND ADOPT THE AGENDA

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

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
 Council Member Lewis, Yes
 Council Member Montgomery, 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)

Shanna Johnson passed out the warrants.

C. BUSINESS LICENSE(S)

• **Recreate Therapy PLLC**

Ava Hansen explained her business will be an outpatient, Marriage and Family Therapy Services. She stated she specializes in working with teenagers who have suffered from trauma and mental health. She stated she is excited to be able to serve the community.

MOTION: Council Member Lewis made a motion to approve the business license for Recreate Therapy PLLC. Council Member Montgomery seconded the motion.

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

- **Footzoning by Malinda**

Malinda Gibbons stated she has been a Footzoner for around 5 years. She explained they have recently moved to Perry and have a room in their home for her to operate her business. She explained she will have much more control over the environment in her home versus in a salon.

Mayor Cronin noted there will be visiting clientele and this business has been recommended by the Planning Commission.

Council Member Lewis inquired if there would be clientele visiting one at a time.

Ms. Gibbons affirmed this and stated they will park in her driveway.

MOTION: Council Member Taylor made a motion to approve the business license for Footzoning by Malinda. Council Member Lewis seconded the motion.

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

- **Owen Ovens**

Brian Owen stated he would like to start a catering business doing dutch oven and barbeque food. He stated there will be no visiting clientele.

Mayor Cronin inquired if he had received his Food Handlers permit.

Mr. Owen stated he is waiting for it to come, he has passed the test and has a temporary permit but has not received the final permit yet.

Mayor Cronin inquired what size of a group he would be able to cater for.

Mr. Owen stated currently they are able to cater for up to 500 people.

Greg Westfall recommended including in the action pending any requirements from the Health Department. He also stated Robin Matthews will verify his Food Handlers Permit and go over a few details specific to catering businesses.

MOTION: Council Member Taylor made a motion to approve the business license for Owen Ovens contingent upon Health Department certification. Council Member Montgomery seconded the motion.

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

- **Town Stop**

Ali Jamili stated his business will eventually be a gas station/ convenience store. Greg Westfall stated he is going to open up this business exactly as it has been used in the past (convenience store). He stated this is allowed currently in Perry City zoning.

It was noted he will have to get an alcohol permit to be able to sell any kind of alcohol.

Mayor Cronin inquired about the hours.

Mr. Jamili stated at this time the operational hours will be from 6 AM to 9 PM and if the need increases then it can be addressed at that time.

Council Member Taylor inquired if this was a franchise.

Mr. Jamili stated it was not.

Council Member Lewis inquired if he was part of the former gas station when it closed.

Mr. Jamili stated he was not.

MOTION: Council Member Montgomery made a motion to approve the business license for Town Stop. Council Member Wright seconded the motion.

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

- **Simply Sleek Boutique**

Katey Miles stated this would be a women's clothing and accessories boutique which would be operating online. She said there would be no visiting clientele and everything will be shipped out from her home. She will be getting supplied by different vendors.

MOTION: Council Member Taylor made a motion to approve the business license for Simply Sleek Boutique. Council Member Wright seconded the motion.

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

ITEM 3: PRESENTATIONS

A. City Highlights

Mayor Cronin noted the City has received an in kind Grant from the Wasatch Front Regional Council providing staff assistance with the Perry General Plan .

Mayor Cronin also stated the Arbor Day Celebration went well with the planting of the three trees. She stated there were five third grade classes who attended the celebration.

B. Annual Mosquito Abatement Report

Tabled.

ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC COMMENT

Monica Taylor stated she is going to be addressing the Council on the food truck matter which the Council will be reviewing tonight. She explained she is the owner of the business Perry Ice. She said her stance on food trucks are they are awesome and offer foods which the community doesn't usually have. She stated for a business owner they can help bring business to the existing businesses.

Ms. Taylor continued she does, however, have a few concerns regarding the food trucks coming to Perry. She explained if they are able to setup on the N2 Zone (Highway 89) it will be dangerous, especially for the youth of Perry. She stated the largest customers for food trucks are young adults and "food junkies" who travel across the state to eat at their favorite food trucks. She explained the issue with this is these people who travel to eat at the food trucks are unfamiliar with Perry's roadway, especially Highway 89.

Ms. Taylor gave an example of when Maverick opened in Perry the Accidents with Personal Injury's doubled from 6 (in 2009 before Maverick opened) to 12 (2010 after Maverick opened) and then back down to 8 (in 2011 after people became familiarized with the new traffic flow).

Ms. Taylor suggested bringing in the food trucks but making sure where they are allowed in the City where it is safe and not in the N2 Zone (Hwy 89).

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

Council Member Lewis inquired about the Quarterly Fees being paid to the County.

Shanna Johnson stated they are the builder inspection fees due to the County per internal agreement.

MOTION: Council Member Taylor made a motion to approve the warrants as presented. Council Member Lewis seconded the motion.

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

B. RESOLUTION 17-11 DESIGNATING PUBLIC EMPLOYEE CELEBRATION WEEKS

Mayor Cronin presented Resolution 17-11 proposing Public Employee Celebration weeks, which is an opportunity for the City to recognize the outstanding employees of Perry City. She explained these are split into three categories and are proposed as follows:

- Municipal Clerks Week: Celebrated May 7th-13th
- National Police Week: Celebrated 14th- 20th
- National Public Works Week: Celebrated 21st – 27th

Shanna Johnson stated although the Municipal Clerks Week does not have the word National in its title it is recognized on a national level.

MOTION: Council Member Montgomery made a motion to approve the Resolution 17-11 Designating Public Employee Celebration Weeks. Council Member Wright seconded the motion.

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

C. RESOLUTION 17-12 CELLULAR PHONE REIMBURSEMENT POLICY

Mayor Cronin stated the need for this policy came from the audits which have been happening across the State. She explained the state auditor has required that City equipment needs to be separate from personal equipment. Mayor Cronin stated she got the language for Resolution 17-12 from the Utah League of Cities and Towns policy. See attached Cellular Phone Reimbursement Policy.

Council Member Taylor inquired if the City Staff was aware of this proposed policy.

Mayor Cronin stated she had discussed this with the directors of staff, but it will go to the entire staff based on the policy passed through the Council.

Council Member Lewis inquired how many employees this policy will affect.

Mayor Cronin stated it will affect all of them in some way. She explained some of the employees will benefit and others will lose some benefits depending on which tier they fall in.

MOTION: Council Member Montgomery made a motion to approve Resolution 17-12 Cellular Phone Reimbursement Policy. Council Member Taylor seconded the motion.

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

D. FINAL APPROVAL OF PHEASANT HOLLOW SUBDIVISION PHASE 1

Mayor Cronin stated this had come to the Council from the Planning Commission and noted the attendance of Randy Matthews, the developer of Pheasant Hollow. She invited Greg Westfall to speak to the Council as he has worked with Randy Matthews extensively on this development.

Mr. Westfall stated Pheasant Hollow Subdivision is located directly next to Cherry Ridge Subdivision on 1200 W. He explained this approval is for Phase 1 of this development. He stated this area will connect in with Cherry Ridge. He explained a struggle with this area is water, both culinary and fire-flow. He stated engineers have worked thoroughly through this issue and that currently the City has the ability to bring water to this area at this phase. He explained there is still a debate on if Phase 2 or 3 would have enough water and so that is the reasoning behind only approving Phase 1 at this time instead of the entire development.

Council Member Taylor inquired how many houses will be built for Phase 1.

Mr. Westfall stated there will be 16 lots available for Phase 1 and all the engineering concerns have been met and were approved by the Planning Commission pending the Fire Marshall's approval. He said they are still waiting for his signature and recommended the Council approve Pheasant Hollow Subdivision Phase 1 with the same recommendation as the Planning Commission.

Council Member Wright inquired why the Fire Marshall hadn't signed off yet.

Mr. Westfall stated he is still in the process of doing calculations on the fire-flow on the fire hydrants. He said if those calculations prove that the fire flow is not able to support Phase 1 then the motion cannot go forward, in which case, the Developer would be notified on what needs to be done to get the fire flow where it needs to be so the development can go forward.

Mayor Cronin stated the City has noted the water south of 3000 is limited. She stated at a former meeting the public made it clear they desired the infrastructure needed for more water south of 3000 should be the developer's responsibility and not on the City. She stated the City Engineer will be coming to the next meeting to review this infrastructure and what would need to take place for it to support the developments south of 3000.

MOTION: Council Member Montgomery made a motion to approve the Final Approval of Pheasant Hollow Phase1 pending Fire Marshall approval. Council Member Wright seconded the motion.

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

Mr. Westfall explained the actual motion from the Planning Commission recommended: (1) storm drain piping to the property lines (2) Culinary Water loop being looped (3) Fire Marshall Approval and (4) Storm Drain Basin being landscaped.

Council Member Taylor inquired if all of these would be the responsibility of the Developer.

Mr. Westfall stated yes they would and then reviewed each recommendation with the Council.

MOTION: Council Member Montgomery made a motion to approve the Final Approval of Pheasant Hollow Phase1 pending the Storm Drain Piping to the Northern Boundary Line, the Culinary Water Loop being Looped, Fire Marshal Approval, and the Temporary Storm Basin being landscaped and privately maintained. Council Member Wright seconded the motion.

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

E. APPROVAL OF CREATION OF RANGE SAFETY & MAINTENANCE TECHNICIAN POSITIONS

Mayor Cronin explained this is to allow for the creation of the part-time City Employee for the Three Mile Creek Gun Range, which will allow for it to be open longer to the public (more days).

Mayor Cronin stated the planned schedule is as follows:

Monday hours 9 AM -5 PM

Tuesday and Wednesday Private and Maintenance Days

Thursday hours 11AM -7PM with the afternoon being for trap shooting

Friday, Saturday, and Sunday hours 9 AM -5 PM.

Mayor Cronin explained it has been recommended due to the amount of standing water still on the range to not open the range publically until May 19th instead of May 5th.

Council Member Lewis inquired where the money to pay for this employee/employees would come from.

Mayor Cronin answered the goal is for it to come from some of the revenue generated from having the range open longer and the remaining from the General Fund.

Council Member Lewis inquired of the hourly rate.

Mayor Cronin stated the hourly rate is proposed at \$10.50 with the option of going up to \$12.00. She also stated there is a requirement of being 21 or older and the employee must be able to lift 60 lbs. or more (steel targets).

MOTION: Council Member Lewis made a motion to approve the Creation of Range Safety & Maintenance Technician Positions. Council Member Montgomery seconded the motion.

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

F. APPROVAL OF MEDICAL AND DENTAL BENEFITS FOR FISCAL YEAR 2018

Mayor Cronin explained there was a 4% cost increase to this benefit from what was being charged last year and it is proposed for the City to stay with the same company and to fully cover the 4% increase at the 85/15 level.

Shanna Johnson explained the City's Benefit Broker stated this 4% increase is a phenomenal rate. She then reviewed the benefit coverage and what the City covers for their employees.

MOTION: Council Member Montgomery made a motion to approve the Approval of Medical and Dental Benefits for Fiscal Year 2018. Council Member Wright seconded the motion.

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

ITEM 6: DISCUSSION ITEMS

A. Ordinance 17-A Code Enforcement Procedures

Mayor Cronin reviewed the draft of Ordinance 17-A Code Enforcement Procedures. She explained the State law has changed to say that a City cannot pursue a criminal charge without having jail time. She said the City was already looking into a civil course for minor offenses, however, there may be times when a criminal path may be needed.

Mayor Cronin then reviewed the section regarding criminal charges with the Council and explained it was pulled from Saratoga Springs Code and adjusted for Perry City by Planning Commissioner Blake Ostler.

Mayor Cronin continued to review sections of the drafted Ordinance 17-A Code Enforcement Procedures with the Council.

Mayor Cronin asked the Council to review the draft and give feedback so that it can be ready for action at the upcoming meeting.

B. Food Truck Ordinance

Mayor Cronin explained that the State has said a City can regulate food trucks by allowing or not allowing them in particular zones. She stated she sought Chief of Police Ryan Arbon's counsel on the matter and he said the City already has high car accidents in the NC2 zone and felt having Food Trucks in this zone would increase these accidents.

Mayor Cronin invited the Council for their input on the matter.

Council Member Wright stated Monica Taylor brought up some great points on the issue and wondered if her business (Perry Ice) would be classified as a Food Truck.

Mayor Cronin stated it would not because it is not mobile.

City Attorney, Craig Hall clarified a Food Truck by State law is classified as a motorized business, therefore, Perry Ice would not be classified as a Food Truck.

Mayor Cronin stated this year for the Movie in the Park the City will be adding a Food Truck Rally to allow people to have dinner and a show.

Greg Westfall stated he felt the Food Trucks would be a great addition to Perry, however, it is the responsibility of the City to regulate them so they are an asset and not a liability.

Mayor Cronin stated one point already discussed is protecting residential areas and public roadways. She said one idea is to allow usage by event permit only for the Food Trucks.

There was discussion regarding allowing Food Trucks to operate at businesses on Hwy 89 (such as Maverik) and whether they would cause more good or more harm in such locations. The discussion continued on if the State law included how many feet a Food Truck has to be from a high traffic road like Highway 89.

She invited the Council Members to join the Task Force that will be working on this ordinance and explained she is hoping a drafted ordinance be ready for the Planning Commission by their next meeting in June.

C. Comcast Franchise Agreement

Mayor Cronin explained Craig Hall and herself met with Kirk Nord who is the representative from Comcast. She stated the main issue is with Perry City being an owner of Utopia, and how to negotiate this contract in the best interest of the City. She stated Mr. Nord said Perry City is the first Utopia member City he has had to negotiate a new franchise deal with..

Mayor Cronin explained an example of this is currently the City doesn't require Utopia to get a permit when they need to make road cuts. Mr. Nord would like that same competitive option, however, being an owner in Utopia, that wouldn't be in the best interest of the City to give this option across the board.

Mayor Cronin stated this agreement is going to be tabled because there are many things which still need to be worked through before it is ready to come before the Council.

Craig Hall interjected after the Mayor left their meeting Mr. Nord and himself continued their discussion. He stated they will be coming back with proposed language for this agreement. He reported that Mr. Nord is an attorney who used to work as a city attorney. He stated Mr. Nord has some logical points which the City and Utopia will need to address.

D. Fourth of July Planning

Mayor Cronin reviewed the proposed schedule for the 4th of July. See attached document.

Mayor Cronin asked Council Member Lewis if he would do the Pickle Ball Tournament and if Council Member Montgomery would do the Uncle Sam/ Miss Liberty. She said Shanna Johnson will be doing Perry's Got Talent and stated she will ask Council Member Tueller to do the 4th of July Sociable. She inquired if Council Member Taylor would do the awards dinner and if Council Member Wright would coordinate the parade. She also said this year the City will be asking the Council

Members to help with the Bingo Baskets and she said the City will pay for each themed basket (\$40.00 for each basket).

Mayor Cronin invited the Council members to come to her or the staff if they need any help or ideas.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **March 23, 2017 City Council Meeting Minutes**

MOTION: Council Member Lewis made a motion to approve the movement of the March 23, 2017 City Council Meeting Minutes. Council Member Wright seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes

Council Member Lewis, Yes

Council Member Montgomery, Yes

Motion Approved. 4 Yes, 0 No.

- **April 13, 2017 City Council Work Session Minutes**

Tabled.

- **April 13, 2017 City Council Meeting Minutes**

Tabled.

B. MAYOR'S REPORT

None.

C. COUNCIL REPORTS

Council Member Montgomery passed out documents for the Council from Promontory School which they gave her to give to the Council. {The documents were letters from Promontory Faculty inviting the Council Members to participate in the listening to the 8th Grade Passages.}

D. STAFF COMMENTS

None.

E. ITEMS FOR NEXT CITY NEWSLETTER

None.

ITEM 7: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:56 pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder