

- OFFICIALS PRESENT:** Mayor Karen Cronin presided and conducted the meeting. Esther Montgomery (arrived 7:27), Brady Lewis, Nathan Tueller and James Taylor
- OFFICIALS EXCUSED:** Toby Wright
- CITY STAFF PRESENT:** Shanna Johnson, Chief Deputy Recorder
Greg Westfall, City Administrator
Craig Hall, City Attorney
Ryan Arbon, Chief of Police
- OTHERS PRESENT:** Boyd Montgomery, Andrew Watkins, Blake Ostler, Jim Flint, Sierra Bass, and Eric Halter

ITEM 1: CALL TO ORDER

Mayor Cronin called the City Council meeting to order.

A. INVOCATION

Mayor Karen Cronin offered the invocation.

B. PLEDGE OF ALLEGIANCE

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

C. REVIEW AND ADOPT THE AGENDA

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

ROLL CALL: Council Member Lewis, Yes
Council Member Taylor, Yes Council Member Tueller, Yes

Motion Approved. 3 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)

- **Wild Rag Boutique**

Tabled due to the location of the business not meeting City Codes.

MOTION: Council Member Lewis made a motion to table this item. Council Member Taylor seconded the motion.

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

Council Member Tueller, Yes

Motion Approved. 3 Yes, 0 No.

ITEM 3: PERRY CITY HIGHLIGHTS

A. TOUR OF UTAH

Mayor Cronin explained the support and excitement Perry residents gave at this event to the bikers who passed through the City. She said after the bikers passed the resident supporters then went to Perry Park for a celebratory party. She stated there were activities such as a watermelon eating contest, water balloon volleyball, prize drawings, etc.

Mayor Cronin recognized Council Member Taylor who volunteered in Brigham to assist with the Tour of Utah and he said it was an exciting event.

B. NATIONAL NIGHT OUT AGAINST CRIME

Mayor Cronin explained this event was chaired by Chief Arbon. She explained Air Care attended, as well as the UTA Mobile Command Center.

Chief Arbon said the 4-19th Tactical Fighting Wing Bomb Disposal Unit was in attendance. He explained this year they had around 350 people in attendance. He stated there was a monster truck and food trucks. He explained they had prize drawings and gave away two youth bikes. He thanked all those who assisted with this event.

Mayor Cronin thanked Chief Arbon and the Police Department for all their efforts in making this event successful.

ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. Public Comment

Boyd Montgomery commented on his neighbor (Sierra Bass) who had her business license tabled at this meeting. He explained she had not caused any problems, but had been good neighbors. He encouraged the City to allow her to stay if possible.

He explained the big concern [regarding an issue on his property on 1200 W] is the communication between Perry City and their Engineers and Attorneys. He stated he has asked repeatedly to speak to the City Engineer, and he said he needs permission to fix a concrete pipe from the City Engineer. He said he is willing to take care of the repairs but needs the assistance of the City Engineer without being charged for it.

He stated he is running for City Council and will improve communications within the City, if elected.

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff clarified and reviewed the current warrants.

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

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

Council Member Tueller, Yes

Motion Approved. 3 Yes, 0 No.

B. RESOLUTION 17-27 ESTABLISHING A WAIVER PROCEDURE FROM POLICIES AND PROCEDURES ADOPTED FOR THREE MILE CREEK SHOOTING SPORTS COMPLEX FOR PURPOSES OF FACILITATING THE PRODUCTION OF A DOCUMENTARY FILM FOR THE HISTORY CHANNEL

Mayor Cronin explained the Filming Company Producers have made requests which are currently not allowed, per City Codes. She explained this temporary waiver would allow these requests to be met for the filming of the documentary. She explained exploding targets of any kind are currently prohibited on the range, and the Filming Company Producers have asked to use exploding targets for the filming of this documentary.

She stated she has invited Eric Halter to further explain this matter to the Council.

Eric Halter explained when the ordinances for the gun range were written they tried to cover every possible scenario; however, they did not foresee this current situation with the History Channel. He proceeded to give other examples of scenarios which the current ordinances do not allow for, which he felt ought to be provided for—they are as follows: The Chief/Police Department testing body armor and/or body armor penetrating ammo. The gun range currently does not allow clay pigeons on the field; however, the range has two new trap shooters and times designated for clay pigeon shooting.

Mr. Halter explained the Filming Company has a contract with the History Channel to film six episodes for a documentary and they would like to have exploding targets.

Mr. Halter explained the reason the range does not allow exploding targets is because the City does not have fire provisions on scene for exploding targets. However, he continued, this would not be the case with the documentary. He explained they would have a fire team on hand for this and they would not be using the explosive targets near any vegetation.

Mr. Halter explained he felt it would be beneficial to have the office of the Mayor be able to have an exception clause for situations such as these.

Council Member Taylor inquired if this resolution is asking for a one time exception or if it is asking to allow the Mayor to have an exception clause permanently.

Mayor Cronin explained this resolution goes through the end of April. She explained she has told the Filming Company that the City needs 48 hours' notice if they would like to request an exception outside of the set parameters.

Council Member Lewis inquired what the temporary part of this resolution means.

City Attorney, Craig Hall explained that this resolution is only for this company and at the digression of the Mayor.

Council Member Tueller inquired if the Filming Company is aware that their filming must occur when the range is closed to the public.

Mr. Halter stated that was the agreement. He explained if they ever desire to film during regular hours it has been agreed that they will give the gun range proper notice to allow for its closure from the public and compensate them for revenue losses.

Mayor Cronin stated that the filming company has insurance for any liability they open with their activities at the gun range. She explained if there is a fire, the Filming Company is fully responsible.

Mr. Halter said they are going to mention the range by name as well as film the gun range sign.

Council Member Lewis inquired if City Attorney, Craig Hall could enlighten the Council on any liability risks this resolution could open the City to.

Craig Hall stated from his conversation with the Mayor he does not feel there is much risk. He stated if for any reason the City does feel there is a risk, the Mayor has the ability to stop the filming immediately and indefinitely. He explained as long as the explosives are on the gun range, with a RSO in attendance, and a fire team on scene he is not concerned.

Council Member Lewis inquired if Mr. Hall is concerned about full disclosure from the Filming Company so the City and/or Mayor is aware exactly what they are allowing to take place on the range.

Mr. Hall said he is not concerned with this.

It was clarified that the film will be highlighting Cross Canyon Arms and they were the company which suggested the use of Perry's gun range.

MOTION: Council Member Taylor made a motion to approve Resolution 17-27. Council Member Montgomery seconded the motion.

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

C. FINAL APPROVAL OF HEATHER RIDGE SUBDIVISION PHASE 5

Greg Westfall explained this proposed phase will finish the Heather Ridge Subdivision. He stated the City Engineer sent a letter regarding both subdivisions. He stated the letter for this subdivision asks in the approval of the subdivision that the Council state the detention basin be constructed with approved regulations from the City Engineer.

Council Member Lewis inquired who would inspect the detention basin to make sure it is built properly.

Mr. Westfall stated the City Engineer will inspect it.

Council Member Tueller inquired what the biggest challenges were with this subdivision for the Planning Commission.

Planning Commissioner Blake Ostler stated the main concerns were for the detention basin and the completion of the shared road with the Wyatt subdivision. He explained everything else was pretty straight forward.

Council Member Montgomery inquired if the responsibility of the detention basin belongs to the City.

Mr. Westfall stated this detention pond was done in an HOA.

Mayor Cronin stated that Jim Flint was representing the applicant and inquired if he had any further comments he would like to make.

Mr. Flint stated he did not but would be willing to answer any questions the Council has regarding the application.

It was clarified that escrow will not be released until the final inspection has been done by the City Engineer.

MOTION: Council Member Taylor made a motion to grant the Final Approval of Heather Ridge Subdivision Phase 5 with the requirement of the City Engineers final inspection on the detention basin. Council Member Tueller seconded the motion.

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

D. FINAL APPROVAL OF WYATT SUDIVISON PHASE 2

Greg Westfall reviewed this application with the Council. He explained the landscaping maintenance for the retention basin will be the responsibility of the property owner of Lot 2 in this subdivision. He explained the retention basin will come with an easement for the City's Public Works department to have access to maintain the retention basin itself.

Mayor Cronin noted there is a letter from the City Engineer regarding this application with some recommended suggestions for approval.

Blake Ostler clarified for the Council the zoning for this application meets City Codes.

Mayor Cronin thanked the Planning Commission and Greg Westfall for all their efforts.

MOTION: Council Member Lewis made a motion to grant the Final Approval of the Wyatt Subdivision Phase 2 with the requirement of the City Engineer's 1-4 recommendations being completed. [1. An agreement shall be recorded with the subdivision stating the owner of the retention basin parcel is responsible for maintaining the basin in perpetuity and that the owner agrees not to alter the design/construction elevations. 2. A note be added to the final plat indicating the responsibility described in item #1 above relative to the retention basin parcel. 3. The existing irrigation box shown in the proposed sidewalk be relocated to the park strip. 4. A post-construction survey be conducted to ensure retention/detention basins are constructed according to the approved plan set. As per the Memorandum]. Council Member Tueller seconded the motion.

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

E. ACTION REGARDING CANCELATION OF THE AUGUST 24,2017 CITY COUNCIL MEETING

Mayor Cronin explained that she will be out of town on the 24th but the Council is welcome to still hold the meeting if they so desire.

MOTION: Council Member Montgomery made a motion to approve the cancelation of the August 24, 2017 City Council Meeting. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Lewis, Yes
Council Member Taylor, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes

Motion Approved. 4 Yes, 0 No.

ITEM 6: DISCUSSION ITEMS

A. GRAVEL PIT ORDINANCE

Mayor Cronin explained the attorneys have been working through this ordinance. She explained the attorney representing Geneva (Bruce Baird) forgot his notes for this meeting and so he needed to reschedule discussing it until he had those with him. City Attorney, Craig Hall stated he will be meeting with Bruce tomorrow at noon.

B. BUDGET UPDATE

Shanna Johnson reviewed that she has completed the June budget update and the City looks to be in good shape. She explained she had to resubmit the Fiscal year 2018 budget to the State audit due to an issue regarding how the Debt Service transfer was computed on the budget forms.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **July 13, 2017 City Council Meeting Minutes**
- **July 18, 2017 City Council Meeting Minutes**

MOTION: Council Member Tueller made a motion to table the July 13th and July 18th City Council Meeting Minutes. Council Member Lewis seconded the motion.

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

B. MAYOR'S REPORT

Mayor Cronin explained the City is currently in the process of creating a *100 Business List* for the available property in Pointe Perry. She asked for the Council to send her any businesses they felt would be a good fit for Pointe Perry to her for this list.

She stated the City received a letter [from a resident] and she has created a response and would like to know if the Council agrees with her response, if so she will send it out. [Copies of the resident's letter and the City response letter were provided to Council Members.]

C. COUNCIL REPORTS

Council Member Tueller stated he is still going through working with the different City Departments to see how the budget is being used and it has been a positive and informative process.

D. STAFF COMMENTS

Greg Westfall noted the road maintenance which has been occurring in the City.

Craig Hall thanked the Council for allowing him to be absent for his extended vacation at the Boy Scouts Jamboree.

Blake Ostler stated the Planning Commission is still working on the Conservation Subdivision Ordinance.

E. ITEMS FOR NEXT CITY NEWSLETTER

- Secondary Water Turns Off October 15, 2017
- Open Burn Days Starts in September

ITEM 7: EXECUTIVE SESSION: DISCUSSION OF THE PURCHASE, EXCHANGE, LEASE, OR SALE OF REAL PROPERTY WHEN PUBLIC DISCUSSION WOULD DISCLOSE THE VALUE OF THE PROPERTY OR PREVENT THE AUTHORITY FROM COMPLETING THE TRANSACTION OF THE BEST POSSIBLE TERMS.

MOTION: Council Member Lewis made a motion to close the regular session and open the executive session to discuss Item 8A (Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.) Council Member Taylor seconded the motion.

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

The Regular Meeting Closed at 8:12pm

MOTION: Council Member Lewis made a motion to close the executive session and open the regular session. Council Member Tueller seconded the motion.

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

ITEM 8: ADJOURNMENT

The Regular Meeting Reopened at 8:41pm

Mayor Cronin noted she met with the General Plan Update Committee tonight and this Committee will continue to meet on a regular basis.

MOTION: Council Member Montgomery made a motion to adjourn the City Council Meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:41 PM.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder