

OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting. Toby Wright, Brady Lewis, James Taylor, Nathan Tueller, Esther Montgomery (arrived at 7:02am)

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

OTHERS PRESENT: Boyd Montgomery, Blake Ostler, Eric Satterthwaite, Hunter Satterthwaite, Earl Pannebaker, Marci Parker, Sydney Satterthwaite

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 Wright made a motion to approve the agenda. Council Member Montgomery seconded the motion.

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

ITEM 3: PUBLIC HEARINGS AND/OR PUBLIC COMMENTS

A. PUBLIC COMMENTS

Boyd Montgomery: requested a problem on his property on 1200 West be fixed. He claimed that in 2013 he presented costs to the City to correct an issue with water draining on to his property from adjacent City. He said he has submitted three bids one for \$7,000 which somebody was not diligent and the project could not be completed, and a second bid for \$17,000 again not possible to do. He said that the third bid he submitted within the last year was for \$5,000 which will supply all the

material needed to fill in the property as this property drops 6 feet to his property. He said that it is a safety issue and creates wetlands on his property that he does not want. He said that he has contacted two attorneys: Maybe Wright and Jones, and Riley Snow that comes up into Perry City. He said that they have told him that it is Perry City and the irrigation company that are responsible to fix the problem. Mr. Montgomery requested Perry City contact the irrigation company and ask them to talk to him. He said that if Perry City will supply the labor the material will cost only \$2,000. He said he would like to see the property fixed before it snows. He said that this has caused a safety concern with bus drivers.

Mr. Montgomery reported that recycling company keeps forgetting to pick up his cans. He suggested Perry City supply him with 2 cans instead of 1 and pick this up 1 time per month instead of twice a month. He also requested time to speak with the City Attorney.

B. PUBLIC HEARING REGARDING ORDINANCE 16-D VACATING A PROPOSED STREET WITHIN THE CITY CENTER SUBDIVISION

Mayor Cronin explained that the original City Center development proposed small lots, double homes and a street connecting 900 West to Linda Way. She advised that as the City tried to sale the land, no developers were interested and it was not cost effective for the city to develop the land. She said that the City has put together a second design for the parcel of land that creates larger lots with frontage on 900 West (eliminating the road proposed in the first plan). She stated that when the City went to record the new subdivision plan with the County, they asked the City to go through the formality of vacating the street and the City is now completing this process.

MOTION: Council Member Wright made a motion to open a public hearing regarding Ordinance 16-D Vacating a Proposed Street within the City Center Subdivision. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
Council Member Lewis, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

Boyd Montgomery: asked if this road would be closed completely. Mayor Cronin replied that the road was never opened.

MOTION: Council Member Montgomery made a motion to close the public hearing. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
Council Member Lewis, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 4: PRESENTATIONS
A. CITY HIGHLIGHTS

Mayor Cronin recognized Hunter Satterthwaite for his achievement of winning the National Soccer Championship in Tulsa Oklahoma. She said that the team attended as a wild card team from Utah and attended the western regionals, and in the semi-final game it was scoreless until Hunter scored the game winning goal. She explained that the team went on to win the western regional finals and then on to the Nationals in Tulsa. Hunter explained there they played 4 games and won all of them. Mayor Cronin added that this included the title winning game. She expressed her appreciation for how Hunter represented Perry City and the State. The Mayor and Council presented Hunter a card and a Perry Pin and present applauded Hunter for his efforts.

Mayor Cronin asked Hunter to describe his experience. Hunter stated that the coolest part of the tournament was that they had player event where players from each State brought items representing their State and the players got to know each other. He said that before each game the players traded items from club to club. Council Member Lewis asked what we traded. Hunter said we had a lot of items that business donated but noted that we also traded green jello, which the other teams thought was pretty funny.

Mayor Cronin also noted that Hunter's team was also awarded the fair play award, which is awarded for good sportsmanship. Hunter explained that this is awarded via votes from all coaches.

Mayor Cronin reported that last Friday Wal-Mart had their ribbon cutting for their recent remodeled store. She expressed her appreciation for Wal-Mart being in our community and the partnership Wal-Mart provides in many City events. She stated the store improves the quality of life for our residents.

Mayor Cronin reported that Utopia is completely built out throughout the City and is also available in the Pointe Perry Commercial area. She explained that if needed we could provide a 100 gig connection. She said that she has been told that the City could house a high tech company at Pointe Perry similar to the Adobe Complex in Lehi.

B. National Night Out

Mayor Cronin reported that the National Night Out Against Crime is a night for police recognition and interaction with the public. She said that nationwide police departments participate within their jurisdictions and plan activities to engage with the community members. She said that the Perry City National Night Out was held on August 2nd and it was scaled up a couple notches compared to the last 3 years. She stated that Chief Arbon and Susan Obray were involved in the planning of the event. Mayor Cronin said that Chief Arbon invited several food trucks and emergency service groups to participate. She explained that we had an Air Care helicopter, people from Brigham and Willard Fire Departments, people from Perry City First Responders, representatives from the U.S. Army and the Perry City C.E.R.T. Team. The Livewire monster truck was also there. She said it was a very successful event and we received many compliments. She expressed appreciation for all of the officers and those involved to make that night possible.

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

Council Member Tueller asked what the payment was to Rocky Mountain Power referencing to Kathy Jackman. Shanna Johnson advised that the payment was for improvements in the City Center Subdivision and the name may reflect the representative listed on the Rocky Mountain Power contract.

Council Member Lewis asked what the bill for wetlands from Jones and Associates was for. Mayor Cronin said that we are developing commercial lots and if you mitigate smaller than a 5 acre portion of land you can do it through a faster wetland application. This bill is for work that Jones and Associates has done in relation to this application. It has been submitted and it went under a 45 day review period which expired in July. She explained that there were no comments so we are just wrapping up the final details and then we should be able to fill in two small holes in the development, there will then be 4 city owned restaurant pads and 1 restaurant pad owned by LW's.

Council Member Taylor asked about the warrant for the vac trailer. Mayor Cronin stated that this is a budgeted item. It is a small vac trailer that the public works crews can use for small repairs to the sewer and water system. Shanna advised that this piece of equipment will be depreciated and budgeted over a 10 year period. Council Member Montgomery asked if there was another name for

it. Greg Westfall said that a brand of vac trailers is Ditch Witch but the City purchased the Premier brand.

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

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
Council Member Lewis, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

B. ORDINANCE 16-D VACATING A PROPOSED STREET WITHIN THE CITY CENTER SUBDIVISION

MOTION: Council Member Lewis made a motion to approve Ordinance 16-D. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
Council Member Lewis, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

C. RATIFICATION OF SETTLEMENT AGREEMENT ON PROPERTY/LAND DISPUTE

Mayor Cronin said that the City has posted the basics of the settlement agreement on the property dispute and thanked the council for being available by phone during this process. She explained that we received an option for settlement at about 4pm on Monday and by noon on Tuesday we had come to a resolution with no need of further court action. Mayor Cronin stated that the parties did meet at the court house and had this agreement read in to the official record, but there was no need for the judge to weigh in on the issue. She reviewed the Settlement Agreement as follows:

- Perry City agreed to pay \$6,500 to the land owner in compensation for approximate acre of land used as the access road. She advised that the access road was always there, but the land owner contributed 16 feet of land to widen the road. This payment is to compensate for the land.
- The land owner agreed to immediately give the City a quitclaim deed. Mayor Cronin explained that this simply acknowledges that the landowner realizes they have no claim to the portion of land that was in dispute.
- Perry City agreed to have a survey completed on the road boundary. Mayor Cronin explained that this was completed yesterday and the road is in compliance with the survey and with the legal description recorded at the County.
- Mayor Cronin advised that they re-staked the property line on the disputed triangle portion of land and within 5 days the property owner will have the land back to the condition prior to June 1, 2016.
- Mayor Cronin stated that it was agreed that there would be joint statement reflecting that there was a transaction contemplated in the 1980's however because of the patent the City could not enter into that land swap and both parties agreed to compromise and settle matter and it was also agreed that the issue was dismissed without prejudice.

Mayor Cronin again expressed her appreciation for the legal team and the support from the Council. She stated that Council Members Montgomery and Wright were able to be present at the court house at the time the settlement was read on the record.

Council Member Montgomery expressed for the record that Perry through this process has done everything to be open, friendly and amiable. She said that when everything was resolved both parties were present and Mayor Cronin on behalf of the City tried to extend a hand shake. She said

it will be a while before the feelings that have been breached with the opposing party will turn towards cordial. She said she feels this is tragic, but wanted it noted that Perry City is willing and wants to extend that hand, bury the hatchet, and be good neighbors.

MOTION: Council Member Taylor made a motion to ratify the Settlement Agreement on Property/Land Dispute as discussed. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
 Council Member Lewis, Yes Council Member Tueller, Yes
 Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

ITEM 6: DISCUSSION ITEMS

A. AWARD OF CONTRACT FOR CHIP SEAL WORK

Mayor Cronin reminded the Council that during budget planning we planned to have a number of roads chip sealed and a road project completed between 2700 South going north on Linda way and then up east of Three Mile Creek. She reported that Perry City received sealed bids for the road projects and the contract was awarded to Advanced Paving Construction for \$60,264.

B. AWARD OF CONTRACT FOR INSTALLATION OF UTILITIES IN THE CITY CENTER SUBDIVISION

Mayor Cronin explained that the City also received sealed bids for the installation of utilities in the City Center Subdivision and reported that the contract was awarded to C.R.B. Underground for \$85,785.

Mayor Cronin advised that the city hoped to have this work completed before school started but this did not work out. She said there may be a few days when roads are closed.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **July 14, 2016 City Council Meeting Minutes - Tabled**
- **July 28 2016 City Council Meeting Minutes - Tabled**

Shanna advised that the Council just received the minutes and recommended tabling these.

B. MAYOR'S REPORT: Mayor Cronin reported that the conference for the Utah League of Cities and Towns will be in Salt Lake City on September 14th – 16th and advised this has been budgeted to allow the Council to attend. She requested the Council Members contact her or the City staff if they would like to attend. Council Member Tueller asked if there was a way to sign up for certain sessions. Mayor Cronin said there is a partial registration that allows attendance for 1 day, but does not allow for a less than a full day.

Mayor Cronin said she has been challenged to a Peach Days Lip Sync Battle on September 9th against Mayor Vincent of Brigham City. She said that she needs backup singers and asked that the City Council contact her if they would like to participate.

Mayor Cronin reported that the Holiday Dinner will be on Wednesday, December 14th at 6pm. She advised that the County Community Preparedness Expo will be on September 16th and 17th at the Fairgrounds in Tremonton and the NRA State Match will be September 1st thru the 4th.

Mayor Cronin reviewed a thank you note received from the Peak for our participation in their Splash-N-Dash fundraiser.

- C. **COUNCIL REPORTS:** Council Member Tueller asked about the food truck rally and if this was something that the City would be accommodating. Mayor Cronin advised that the food trucks will need to apply for a temporary business license that lasts for 45 days and we would require a food handler's permit and license from the health department. She said that she offered to waive the park rental fee. Shanna stated that the City is waiting for the business license applications from the food trucks.

Council Member Lewis offered to create wood signage for the City. He said the City would need to supply material and he said he would be willing to also supply some of the material. He said we would need a scout to help put up the signs. He said that he has a design and the equipment needed to create this. Mayor Cronin said that there is a scout working on signage and they will coordinate schedules and keep Council Member Lewis in the loop.

- D. **STAFF COMMENTS:** Shanna Johnson introduced Ryan Blind to the City Council. He is a new Patrol Officer who started working with the City on July 11, 2016.

Planning Commission Chairman Blake Ostler reported that the Planning Commission had a brief discussion regarding the General Plan in their last meeting and they are excited in participating in the upcoming community meetings. Mayor Cronin announced that there will be General Plan community meetings on October 5-6th.

- E. **ITEMS FOR NEXT NEWSLETTER:** None.

ITEM 8: EXECUTIVE SESSION:

MOTION: Council Member Montgomery made a motion to close the Public Meeting and go into an Executive Session to discuss strategy regarding pending or imminent litigation and a real estate transaction. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
Council Member Lewis, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

The regular meeting closed at 7:48pm.

MOTION: Council Member Montgomery made a motion to close the Executive Session and reopen the Public Meeting. Council Member Lewis seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Taylor, Yes
Council Member Lewis, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 5 Yes, 0 No.

The regular meeting reopened at 8:04pm.

ITEM 9: ADJOURNMENT

MOTION: Council Member Taylor made a motion to adjourn the council meeting.
Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:04pm.

Susan O Bray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder