

**OFFICIALS PRESENT:** Mayor Karen Cronin presided and conducted the meeting. Toby Wright, James Taylor, Nathan Tueller, Esther Montgomery

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

**OTHERS PRESENT:** Vicki Call, Sally Skrobiszewski, Nelson Phillips, Ben Huff, Joe Drago, Michelle Drago

**ITEM 1: CALL TO ORDER**

Mayor Cronin called the City Council meeting to order.

**A. INVOCATION**

Mayor Cronin offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

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

**C. REVIEW AND ADOPT THE AGENDA**

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

**ROLL CALL:** Council Member Wright, Yes                      Council Member Taylor, Yes  
                    Council Member Tueller, 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. APPOINTMENTS**

Mayor Cronin presented the name of Stuart Grover to be appointed as an alternate Planning Commission member. She explained that Stuart has been attending the Planning Commission meetings and is willing to serve on the Planning Commission. She advised that he has a Masters Degree in aeronautical engineering and has lived in the community for several years.

**MOTION:** Council Member Montgomery made a motion to approve the appointment of Stuart Grover to be an alternate member on the Planning Commission. Council Member Taylor seconded the motion.

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

Mayor Cronin advised that there is an opening for a Perry City representative to serve on the Senior Community Committee. She asked the Council to forward her any names of people they think would be willing to serve and would be a good fit. She stated that the member needs to be 55 years of age or older.

**D. BUSINESS LICENSE(S)**

- **Carol Huff Foot Zoning** – Mayor Cronin explained that this business does have visiting clientele. She said there would be a maximum of 5 clients per day. Ben Huff explained that they have a daughter who had a brain tumor removed 5-10 years. He said that they looked for alternative methods to help his daughter and they went to other practitioners for a while for foot zoning. His wife decided to take the classes about a year ago, which the classes take 6 months. He said it requires a certain number of hours practicing. He explained that the nerves in the body have a corresponding area in the feet. He said the practice is similar to reflexology and his wife will work on the feet with her fingers. He said that this has helped many people, including him. Mayor Cronin asked if there is a license required. Mr. Huff said there is an organization for foot zoning that has a certificate program; she has achieved this certificate. Mayor Cronin said that this business does have visiting clientele and asked if a fire inspection has been completed. Mr. Huff indicated that the inspection has been completed. Mayor Cronin asked if there was adequate parking. Mr. Huff said yes.

**MOTION:** Council Member Tueller made a motion to approve the business license for Carol Huff Foot Zoning. Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Wright, Yes                      Council Member Taylor, Yes  
                    Council Member Tueller, Yes                      Council Member Montgomery, Yes

**Motion Approved.** 4 Yes, 0 No.

- **Hernandez Transport LLC** – Mayor Cronin indicated that this business does not have visiting clientele. Council Member Montgomery asked about the application stating the application states it is a home business, but also indicates that he is a truck driver. Council Member Taylor said he owns his own truck and contracts transportation services out to medical supplies companies. Council Member Montgomery clarified that his business office is just ran out of his home. Council Member Tueller agreed. Mayor Cronin asked if there is adequate parking for the semi truck. Council Member Tueller indicated that there was; stating he lives off the highway and the truck is usually parked in the driveway. Council Member Wright supported this statement.
- **Balance 360** – Mayor Cronin advised that this business application indicates that there will be visiting clientele. Shanna Johnson said after speaking to the owner Mr. Kenneth Snyder the City found that the business will be providing services off-site and will not have visiting clientele. She asked if the Council would prefer to have a new application submitted or if they would simply like Mr. Snyder to update his current application. Mayor Cronin said that this can be approved with a note that the business license is approved without visiting clientele and directed staff to have Mr. Snyder come and change and initial the change on his application. Shanna advised that Mr. Snyder is a life coach and will be providing life coaching services.

**MOTION:** Council Member Wright made a motion to approve the business licenses for Hernandez Transport LLC and Balance 360 with the requirement that Balance 360 comes into the City office and amends the application indicating that there will be no visiting clientele. Council Member Montgomery seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes  
**Motion Approved.** 4 Yes, 0 No.

Council Member Taylor, Yes  
Council Member Montgomery, Yes

### **ITEM 3: PUBLIC HEARINGS AND/OR PUBLIC COMMENTS**

#### **A. PUBLIC COMMENTS**

**Sally Skrobiszewski:** expressed concern with feral cats and the lack of animal control services in the City. She said 6 weeks ago she had an issue with a mother cat and 7 kittens. She said she called the City and was told Perry City does not have an animal control officer. She was referred to the Chief of Police who asked her what she wanted him to do. She said she did not like this attitude and said nothing. She then contacted her son who called the humane societies across Northern Utah and none of them would take the cats because they did not know if the cats were diseased. She said her son was able to place the kittens in a kennel and used the kittens to trap the mother cat. He took the cats to the Brigham City Animal Shelter. She said since then she has trapped 4 cats and her son who lives in Tremonton was told by someone at the City that they just set them loose at the City office, and that is what they did with the cats. She said Tuesday night when walking her dog her dog got into a fight with a feral cat and caused her to fall. She stated she thinks the City needs to have an animal control officer and an 80 year old woman should not be expected to address the problem.

### **ITEM 4: PRESENTATIONS**

#### **A. CITY HIGHLIGHTS**

Mayor Cronin reported that in today's Wasatch Front Regional Council meeting the City was officially put on the list for \$2.4M of Federal funding to complete the 1200 West south end connection to Willard City. She explained that over the next 4 years the City will be budgeting money in order to provide the required grant match. Mayor Cronin indicated that Senator Hatch who was a key player in making fast track funds available to communities was present at the meeting and she was able to thank him for the funding received by Perry City. She suggested if those present get a chance, they may want to send a thank you note to our State Representatives.

### **ITEM 5: ACTION ITEMS**

#### **A. APPROVAL OF THE WARRANTS**

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

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes  
**Motion Approved.** 4 Yes, 0 No.

Council Member Taylor, Yes  
Council Member Montgomery, Yes

#### **B. MOTION TO CANCEL THE SEPTEMBER 8, 2016 CITY COUNCIL MEETING**

Mayor Cronin advised that she will not be able to attend the Planned September 8<sup>th</sup> meeting due to the Peach Queen Pageant that her daughter is competing in. She advised the Council Members could still hold the meeting if they so desired. She also indicated that the City has sponsored the Community Service Award for the pageant and requested a Council Member volunteer to present the award at the pageant that night. She asked the Council Members to let her know if they are available.

**MOTION:** Council Member Taylor made a motion to cancel the September 8, 2016 City Council Meeting. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes  
Council Member Taylor, Yes  
Council Member Montgomery, Yes

**Motion Approved.** 4 Yes, 0 No.

## **ITEM 6: DISCUSSION ITEMS**

### **A. UPCOMING NRA STATE MATCH**

Mayor Cronin reported that the NRA Utah State Championship BPCR Silhouette Rifle Match will be starting next Thursday. She extended an invitation to all of the City Council Members to attend and participate in the opening ceremony at 8:30am Thursday, September 1<sup>st</sup>. She explained that there will be a continental breakfast, singing rendition of the national anthem, and a flag ceremony. Mayor Cronin stated that we are hoping to have State officials there that have been working with the City on the lease and the proposed expansion. She said that there will be businesses, legislators, County Commissioners, and the shooting community in attendance. She said for the next four days following the opening ceremony the matches will take place and she invited all to attend and witness champions. Mayor Cronin said that we have our first international competitor coming and there are more competitors than the previous year.

Mayor Cronin advised last year the competitors dry camped in the City's triangle piece of land just east of the firing line at the gun range, however that area of land been disrupted and is extremely swampy this year. She stated that the City usually does not allow people to camp in parks overnight, but by Municipal Code 12.03.040 the Mayor has the ability to grant this use. She advised that she is allowing dry camping at the parking area of the gun range or at the Dale Young Nature Park west of the restrooms and east of the rodeo area. She said this is not a usual thing but per ordinance this can be done by approval by the Mayor.

### **B. CODE ENFORCEMENT**

Mayor Cronin presented some pictures of code enforcement pictures throughout the city that are impacting neighbors and their home values. The Mayor and Council reviewed the photo of a home on Peach Street that has many weeds and is unkept. She advised that the City has sent certified letters to the homeowner indicating that per City code they are required to abate their weeds and minimize fire hazard. She said that the City did receive one copy of the certified letter receipt back which was signed by the owner. She stated that the weeds bring the property values down of neighbors and pose a fire hazard to adjacent owners. Mayor Cronin said at this point the City would need to charge criminal charges if they fail to abate the weeds. She said this would go through the criminal court system; with criminal charges and possible jail time.

Mayor Cronin said that the City would like to work this with civil changes that only carry monetary penalties and if that does not resolve the issue the City would like the authority to go onto the property to abate the nuisance or weeds, and then to be able to charge whatever costs were incurred back to the land owner, and if those costs were not paid within a certain timeframe be able to attach those costs (as a tax lien) to the parcel through the county. Mayor Cronin said that she feels that it is a more kind and gentle approach rather than the criminal approach, which includes jail time. She said that within the proposed plan there is another remedy which allows the landowner to contact the City within 10 days of the notice and make some kind of contract with the City to abate the issue or if they thought the City did not have the authority to work the issue the land owner could challenge the issue; the landowner could request an administrative enforcement hearing, in which an appointed enforcement officer/hearing officer, would hear the case and determine if there is a violation or not. Mayor Cronin said in order to put this proposed process in place it would need to be approved by the Council and placed into the Municipal Code. She said that the fees can be set at whatever the City feels is appropriate.

Mayor Cronin said there are also fields within the City that are a fire hazard. She explained she thought the code specified that the weeds should not be over 18 inches in height. She said that we contract fire services through Brigham City and Mayor Vincent has talked to her many times regarding these areas and has asked that Perry City resolve the fire hazards. She said that she has

expressed that Perry City does not have the ability to resolve the issue other than going through a criminal process.

Mayor Cronin introduced Chief Bach of Brigham City and asked him to talk to the Council a little bit about code enforcement and the fire hazards overgrowth poses. He said that these areas certainly pose a fire hazard and stated that he feels that the proposed process sounds like a good process to use to resolve these issues. He said that any of these issues could easily become a fire i.e. someone throwing a cigarette, or a kid finding a lighter. Chief Bach advised that vacant properties are a concern because they attract individuals that like to start fires i.e. arsonist that look for vacant properties. He said this is detrimental to other properties near it. He said he can see how this is not only a fire danger but a frustration to the neighboring property owners. He said that weed abatement ordinances are quite common throughout the state and most homeowners would understand in the long run that it is the right thing to do. He said some people just need some extra motivation and it is up to the City Council to give this to them. Council Member Taylor asked who in Brigham City is responsible for code enforcement and how is it dealt with. Chief Bach said that Brigham City has a code enforcement officer that works for the Building Department and code enforcement falls under the Economic Development and Building Department. He said that they address all kinds of issues not only weeds, but also people parking on the sidewalks, or in front yards, signs, etc. Council Member Taylor asked if the Fire Chief gets involved. He said that he has reported properties to code enforcement that are a fire concern. He said the code enforcement officer took care of it; he also brings issues to the Chief and gets input on resolving the issue. Council Member Taylor said the problem is that Perry City does not have the ability to hire a code enforcer. Mayor Cronin stated that even having this process in place will help the City to appoint someone to do code enforcement whether we have someone in the Police Department to help with this or someone in Public Works. She said that it is hard because the City currently does not have a way to remedy issues other than to take this through the criminal court. She said if the City had a civil way to work through issues with different options and tools to work through issues it would probably be a lot better.

Council Member Tueller asked if the other properties shown tonight that are in violation of City ordinance have been contacted. Mayor Cronin said she is not sure if they have been contacted but Susan Obray has a systematic way of contacting residents when notified of issues.

Council Member Taylor asked if there is an ordinance stating that weeds cannot exceed 18 inches in height. Mayor Cronin stated that was the code when she was a Planning Commissioner she is not sure if this has been changed. Greg Westfall and Commissioner Vicki Call were also unsure. Greg stated that if that is the case he feels that is too tall. Chief Bach agreed stating he thought Brigham City's requirement is not to exceed 12 to 14 inches. He said that another option is to require weeds be cut at least along the perimeter in an effort to create a fire barrier. Mayor Cronin stated that just recently there was a fire in Tooele started by weeds that burned several homes. Chief Bach stated this is definitely a liability to the City. Council Member Tueller said if there was a fire caused by someone using a firework, etc. would this not be charged to the person who caused the fire. Mayor Cronin said that would be the case if the City can determine who caused it, advising sometimes this cannot be determined. He asked if the property owner is liable. Shanna said that the bill goes to the property owner unless we determine who caused the fire. She said this is also true for the neighbors once the home with weeds fire causes fire on the adjacent property the adjacent owner now is responsible to pay the bill for the fire that has affected their property. Council Member Tueller said the vacant lot would be responsible. Shanna disagreed stating that unless we can identify who started the fire each individual property owner receiving fire services would be responsible for their own bill. Chief Bach said that insurance companies are going to go after somebody to collect that money from and they look for deep pockets, including the City. Mayor Cronin said that putting in place a weed abatement ordinance shows that the City used due diligence.

Mayor Cronin reported animal issues within the City she went back to the cat issue that Sally Skrobiszewski reported and also reviewed a dog issue and referred to a photo being projected. Chief Arbon stated that he has been called to the location at least 10 times regarding a goat. He said each time he notices the dog chained up. He explained that the first time he went out there the dog food was covered with bugs. He said the goat in the back is alive and well but chained. He said that he cleaned out the dog food bowl and got the animal's fresh water. He said that is reported that the owner has moved out of the home, but the vehicles coming and going indicate otherwise. He said they have knocked on the door and they never answer. He said there are also many chickens in a coup. Mayor Cronin said that the adjacent owner has complained about the chicken coup because it is attached to his fence and he does not want his fence to fall down. She said that the house has been condemned due to structural damage from a previous fire.

Mayor Cronin addressed a large open irrigation man hole that has no cover that is up in a subdivision. She reported that they talked to the developer and he said he would take care of it. They since have sent a certified letter to the developer who owns the manhole, which is on City property, but this came back unsigned. She said that because the City felt there was imminent danger and because the City felt an ethical duty to keep children from falling into the manhole the City has covered the manhole. She explained that it is an irrigation manhole and there is water running through this often. Council Member Tueller said that we are the owner of the land how does the City resolve this. Mayor Cronin explained that we are not the owner of the irrigation box, but we are the owner of the land. She said there has not been a permanent fix. Greg said if it is not addressed we could follow the proposed process to resolve. Council Member Tueller said if we do not own the property where would we place a lien. Greg said that we could recover this through the bond, call the State inspectors office, or lien different properties if allowed by the courts. Council Member Tueller asked if we could pull the business license. Mayor Cronin said we could, she said she prefers putting fines in place rather than pulling the business license. She recommended putting together a committee to look at the proposed code enforcement process if the Council would like us to research putting this in place. If the Council would prefer we can move forward with code enforcement through the criminal route. She said she would like the committee to include Planning Commission Chairman Blake Ostler and other community members. She asked the Council to forward her suggestions for committee members. Council Member Montgomery asked if a draft will be available at the next meeting. Mayor Cronin said most likely not as the committee would just be providing input and ideas. Council Member Wright asked if Craig Hall would be drafting the proposed Ordinance. Mayor Cronin answered yes. The Council was in favor of further research via the community committee.

## **ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

### **A. APPROVAL OF CONSENT ITEMS**

- **July 14, 2016 City Council Meeting Minutes**
  - Page 2, Paragraph 1: Council Member Montgomery recommended changing the word 'nor' to 'and'.
  - Council Member Wright also had a spelling change he forwarded to Shanna.
- **July 28 2016 City Council Meeting Minutes - Tabled**

**MOTION:** Council Member Montgomery made a motion to approve the July 14, 2016 City Council Meeting Minutes as amended. Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Wright, 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 reported that when the budget was approved for the year there were some water projects approved. One project was budgeted for approximately \$120,000 for a redundant loop up in the northeast section of the City. She advised that the main landowner is not willing to be involved and the City cannot complete the project without his participation. She explained that another project listed (in the capital facilities plan) is a SCADA system for the wells and this project need has become more critical, therefore the City will be moving the SCADA system project up and funding this at a cost of approximately \$100,000. She stated that the City will be going out to bid for the project.

Mayor Cronin announced that there will be community meetings to gather public input regarding the City's General Plan. The meetings will take place on October 5<sup>th</sup> and 6<sup>th</sup> at 6:00pm at the Three Mile Creek Elementary. She explained that the input gathered will be reviewed and organized in the Council Meeting following the community meetings and then reviewed with the Planning Commission. She said that the State of Utah would like the General Plan of each city updated every 5-6 years and should include planning out 20 years.

- C. COUNCIL REPORTS:** Council Member Montgomery announced that the City would be participating in the Peach Days Lip Sync Battle. Mayor Cronin requested for assistance and support from all the Council Members during the event on Friday, September 9<sup>th</sup>.

**D. STAFF COMMENTS:** None.

**E. ITEMS FOR NEXT NEWSLETTER:**

- General Plan Meeting Notice
- Recycling Opt Out Notice
- National Night Out Summary

**ITEM 8: EXECUTIVE SESSION:**

**MOTION:** Council Member Montgomery made a motion to close the Public Meeting and go into an Executive Session to discuss collective bargaining on land (strategy for the disposition of real property). Council Member Wright seconded the motion.

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

The regular meeting closed at 8:11pm.

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

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

The regular meeting reopened at 8:44pm.

**ITEM 9: ACTION ITEM**

**A. AWARD OF BID FOR SALE OF EVANS CANYON 1-LOT SUBDIVISIONS**

**MOTION:** Council Member Wright made a motion to accept the bid for the sale of Evan's Canyon 1-Lot Subdivision for \$40,000 with the lot being sold as is, with the stipulation that there is an easement on the south side, and including the restrictions (as approved by the Council) on the future dwelling. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Wright, Yes  
Council Member Tueller, Yes  
**Motion Approved.** 4 Yes, 0 No.

Council Member Taylor, Yes  
Council Member Montgomery, Yes

**ITEM 10: 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 8:46pm.

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Susan Obray, City Recorder

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Karen Cronin, Mayor

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Shanna Johnson, Chief Deputy Recorder