

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

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

OTHERS PRESENT: Allena Pierce, Nelson Phillips, Dianne Curtis, Randy Matthews, Robin Matthews

ITEM 1: CALL TO ORDER

Mayor Cronin called the City Council meeting to order.

A. INVOCATION

Council Member Taylor offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Wright 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
Council Member Lewis, 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: PRESENTATION

A. STATE OF THE CITY BY MAYOR CRONIN

Mayor Cronin presented the State Of The City, see attached slides.

B. BEAR RIVER HEALTH DEPARTMENT ANNUAL REPORT

Allena Pierce of the Bear River Health Department presented their annual report, see attached documents.

ITEM 4: PUBLIC HEARING AND/OR PUBLIC COMMENTS

A. PUBLIC COMMENTS

A. PUBLIC HEARING REGARDING ORDINANCE 17-A APPROVING CODE ENFORCEMENT PROCEDURES

Mayor Cronin reviewed that the public hearing on Ordinance 17-A deals with Code Enforcement Procedures. She explained this ordinance was discussed at the last City Council Meeting (January 26, 2017) and that the Council was able to come to a generalization for the ordinance. She stated City Attorney, Craig Hall is writing a rough draft from that discussion.

However, Mayor Cronin continues, because of extenuating circumstances the draft is not fully completed. She explained due to this lack of completion the Council will not be voting on passing it tonight, but the public will be given the opportunity to express their views to the Council regarding this ordinance. Mayor Cronin explained this rough draft of the ordinance has been and is available for the public to come and view (However, Appendix A is still being drafted).

Mayor Cronin discussed the graphic depicting the proposed pathway/flow chart of the Code Enforcement Procedures. With the added note from the Council to the graphic, regarding the fixed fee not being applied if a resident/landowner can verify an extenuating circumstance, authenticating they did not receive the verbal or written notice from the City regarding their noncompliance. This is a change which occurred from the last City Council Meeting (January 26, 2017).

Mayor Cronin added the reason this ordinance has been brought to the forefront is because there are areas around town where residents have complained about codes being violated. She continued the City only has one option currently to prosecute (which is criminally) with a charge of a Class B Misdemeanor. Mayor Cronin explained at this point in time if a resident does not have their sidewalk clear of snow they are to be charged with a Class B Misdemeanor. Mayor Cronin stated that the Council wanted to have another avenue to remedy violations of code on a civil platform. This way the City can still enforce the ordinances in a less stringent manner.

Mayor Cronin explained this is not a ploy to make money, but to give the City another option of enforcing noncompliance other than criminally. She explained a task force was created with six residents from different parts of the City. This task force formed this proposed pathway of Code Enforcement and unanimously recommended it to the Council, at which point the Council added the extenuating circumstance note, already discussed and supported.

MOTION: Council Member Montgomery made a motion to open the public hearing. Council Member Taylor seconded the motion.

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

Public member Dianne Curtis expressed her concern regarding the phrase, *extenuating circumstances*. She understands the need of ordinances and the ability to reasonably enforce them. However, as she reviewed the ordinance draft she felt it included too many opportunities for fees.

Ms. Curtis gave the example of a gentleman who lives in her neighborhood who is building a workshop. Circumstances hinder him from completing it in a timely manner. She feels it could be a large issue for someone like him (who is striving to start a new business) to be charged with a \$100.00 a day fee. She further explained the previous owner of her neighbor's property did not maintain the sidewalks either and the City took care of them for that previous owner. She believes it would be hypocritical of the City to fine the current owner due to this.

She wasn't sure who would decide upon the extenuating circumstances and advised the Council to take caution at not being seen as a punishing entity. She believes that kindness and mercy ought to be included in the Code Enforcement.

MOTION: After the public hearing comment Council Member Wright 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 Tueller, Yes Council Member Montgomery, Yes
 Council Member Lewis, Yes
Motion Approved. 5 Yes, 0 No.

A. PUBLIC COMMENT

None.

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

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

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

B. ORDINANCE 17-A CODE ENFORCEMENT PROCEDURES- TABLED

No comments from the Council.

ITEM 6: DISCUSSION ITEMS

A. TOURISM GRANT

Mayor Cronin explained the Tourism Grant is due in two weeks. Council Member Tueller inquired what the known plan was currently. Mayor Cronin explained the current plan is to apply for a grant for the gun range to have a short range pistol option. She stated Shanna Johnson attended the Tourism Grant meeting this week for the Mayor. Shanna discovered at this meeting they are going to have a separate tourism grant process for small grants (project grants) like community activities. These smaller grants can be applied for throughout the year. It is the project grants the City is looking into currently.

Council Member Tueller stated he had been reviewing the minuets from the Council retreat and desired to know more about the Perry City signs. He feels like the signs would both unify and welcome more people. Mayor Cronin stated they would look into applying for a grant for Perry City signs as well as for the gun range.

Council Member Montgomery inquired about the trail from Willard Bay to the Bird Refuge. Mayor Cronin explained the County Commissioner Summers, Representative Perry, and she are working to garner support for that trail. She stated it has the support of Box Elder County

Commissioners and Bob Berrett of the Bird Refuge. She continued that over the next year they are going to look for some State funding to help get this project progressing. She revealed the idea is for people to be able to walk/bike or possibly ATV from Willard Bay to the Bird Refuge. She further stated Commissioner Summers would like this trail to eventually go out to Golden Spike. Mayor Cronin believes it would be a great asset to the community. Council Member Montgomery stated it could possibly be connected to the gun range.

Mayor Cronin revealed another grant which they could apply for is for the brochures being produced for the gun range. Council Member Montgomery inquired if the brochures were being redesigned annually. Mayor Cronin stated they had not but there was a gentlemen interested in sponsoring one of the coupon spots. This year the City is going to be more proactive on getting those produced and to the public.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **JANUARY 12, 2017 CITY COUNCIL WORK SESSION MINUTES**
- **JANUARY 12, 2017 CITY COUNCIL MEETING MINUTES**
- **JANUARY 26, 2017 CITY COUNCIL WORK SESSION MINUTES**
- **JANUARY 26, 2017 CITY COUNCIL MEETING MINUTES- TABLED**

MOTION: Council Member Wright made a motion to approve the January 12, 2017 City Council Work Session Minutes, January 12, 2017 City Council Meeting Minutes, January 26, 2017 City Council Work Session Minutes as amended. Council Member Montgomery seconded the motion.

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

B. MAYOR'S REPORT

None.

C. COUNCIL REPORTS

Council Member Lewis inquired if there is concern of the flooding at the gun range, what the current draining systems is to assist with this, and what the Council can do to improve it. Mayor Cronin stated one of the Tourism Grants the City does have is to improve the drainage of the parking area, this would aide in pushing the water off the gun range. She advised the City has the engineered plans for this. The City is also working with a company who is bidding on a road project close to the City and would like to put the excess dirt out on the gun range. This would also assist in raising the parking lot and the water off the gun range.

Council Member Lewis asked if any damage had occurred at the gun range due to the flooding this year, especially the targets, building, and sheds. Mayor Cronin stated fortunately most of the targets were taken to a gentlemen to get their bases re-welded. She continued at the end of the season last year the gun racks were tarped over. She felt there would probably be some maintenance which would need to go into the building and range because of the flooding. She appreciated Council Member Lewis's concern on the matter.

Council Member Montgomery stated she had a type of community report in regards to a home which burned locally. She desired to recognize the efforts of the community for their amazing response in aiding the effected family. She related she has a close associate who knows the family well and they informed her of the specific efforts of the community. From

opening their homes to this family, to donating money, and many other efforts to ensure the family has what they need so they can get reestablished.

Mayor Cronin agreed with Council Member Montgomery's statement. Mayor Cronin then related to the other Council members who hadn't heard of this unfortunate event that a home on 2950 had a heater device outside for their pets. It is thought that the high winds the area received on Tuesday knocked it over, and believed it caught fire on their wood deck. She expounded the high winds then pushed the fire through the house rapidly. She stated no one was home at the time, by the time the fire was noticed and the fire department arrived there was substantial damage to the house. She advised the displaced family has received support and assistance at this difficult time from the community and from multiple family members in the area.

Council Member Wright inquired if there had been any word from Pineview on the canal issue. City Administrator, Greg Westfall replied there had not been any word regarding the canal and he would call them the next morning at 9 AM.

D. STAFF COMMENTS

Mayor Cronin stated for staff comments City Attorney, Craig Hall would like to take a few moments regarding the land at Point Perry. She explained the City needs to have this land put into the Perry City Redevelopment Agency.

City Attorney, Craig Hall explained there is approximately 16 acres which needs to be put into the Perry City Redevelopment Agency. He believed it was 2015 when the developer defaulted on the SID bonds. The property was force foreclosed upon and the City became the owner. This property is subject to Special Improvement District Bonds which the City is paying on annually. He explained this property is a community development area project, and that the Utah State Code in the Redevelopment Act allows cities more flexibility if the redevelopment agency owns the property.

He stated the proposal is to consider transferring those 16 acres (there is other available acreage which is being excluded from this proposal) from the City to the redevelopment agency of the City. He explained there are a few reasons as why to do this. He related there is a public hearing scheduled for February 23, 2017 regarding this proposal. It is during this public hearing where specifics will be given on the reasons as to why this proposal would be advantageous. He stated the information given tonight is for the Council to be informed for this public hearing.

City Attorney, Craig Hall then explained the Redevelopment Agency Board is the Council. (The Mayor being the Chief Administrative Officer).

Council Member Wright inquired why they are only doing the 16 acres and not the full acreage available. City Attorney, Craig Hall explained the City does not have a survey which would properly allow for all the acreage to be used for this proposal. He also related it would be a substantial cost to survey the other 50+ acres.

Council Member Tueller stated if the City does moves forward with the 16 acres they will eventually need to do a survey with the rest of the acreage. Mayor Cronin explained one of the first things the City would do moving forward (after negotiations are finalized) is to do an ALTA Survey. This would allow the City to survey the entire acreage.

City Attorney, Craig Hall explained in the notice (which will be in the newspaper) the City will be using parcel numbers instead of using the survey. He explained this will help reduce the cost (at the Mayor's request) as the City moves forward with this project. Shanna Johnson interjected this notice would be in the newspaper next Wednesday.

Mayor Cronin stated Commissioner Blake Ostler from the Planning Commission was attending and asked if he had anything he would like to share. Commissioner Ostler stated the work is progressing towards completion on the civic zone. He explained this is a follow up to the Verizon Telecommunication Tower Application.

Shanna Johnson stated she would like to make a correction to her statement about the notice; the notice for the public hearing was in yesterday's newspaper and then it will appear again on the upcoming Wednesday.

Council Member Tueller inquired if the Planning Commission had discussed anything about the Gravel Pit Ordinance. City Administrator, Greg Westfall replied the Planning Commission had not.

E. ITEMS FOR NEXT CITY NEWSLETTER

None.

ITEM 8: EXECUTIVE SESSION:

MOTION: Council Member Wright made a motion to close the Public Meeting and go into an Executive Session to discuss purchase, exchange, lease, or sale of real property and the character, professional competence, or physical or mental health of an individual. Council Member Tueller seconded the motion.

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

The regular meeting closed at 8:29pm.

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

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

The regular meeting reopened at 9:07pm.

ITEM 9: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:08pm.

Susan O Bray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder