

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

OFFICIALS EXCUSED: Brady Lewis

CITY STAFF PRESENT: Greg Westfall, City Administrator
Shanna Johnson, Chief Deputy Recorder
Ryan Arbon, Chief of Police

OTHERS PRESENT: Monica Taylor, Jaren Campbell, Orié Valenzuela, Holly Matthews, Dave Matthews, Cami Brewer, Chuck Palmer (Christensen, Palmer & Ambrose), Kaylee Gerlach, Kaden Christensen, David Anderson, Lisa Hardin, Jack Hardin, Russell McKay, Dylan Smith, David Rogers (Davis & Bott), Van Mund, Cheryl Preece-Smith, Joseph Bach, Stuart Grover

ITEM 1: CALL TO ORDER

Mayor Cronin called the City Council meeting to order.

A. INVOCATION

Council Member Tueller offered the invocation.

B. PLEDGE OF ALLEGIANCE

Shanna Johnson 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 Wright seconded the motion.

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

None.

Mayor Cronin recognized the boy scouts and students present at the meeting with Perry City pins.

ITEM 3: PRESENTATION

A. FISCAL YEAR 2015-2016 FINANCIAL STATEMENT & AUDIT REPORT

David Rogers of Davis & Bott presented the Fiscal Year 2015-2016 (FY2016) Perry City Financial Statement. David reviewed the following highlights from the Management & Discussion Section:

The City's Combined Net Position increased by \$1,219,924 or 8.0% from prior year. Business type activities increased \$588,701 and governmental activities increase \$631,223.

David stated the overall Governmental Fund level increased \$440,429 (or 50.8%) over the prior year's fund balance. Collection of bond assessment revenue to pay the debt service was lower than the debt payments; there were also higher revenues and fewer expenses which all contributed to this.

He reviewed fund balances in the Proprietary Funds:

- The Utility Fund increased fund balance by \$360,585 over the prior year. Mostly due to impact fees collected and capital contributions from developers.
- All segments of the proprietary funds provided program revenues that exceeded their expenses, for a net increase in net position of \$588,701 over the last year.

David stated the City's Long term debt decreased by 4.8% primarily due to principal payments on debt.

He reviewed the City's Net Position (on page 5 of the Financial Statement), which compares FY2015 to FY2016. He said the net position is made up of three sections:

- 1) Investments in capital assets, net of related debt of \$11,543,067.
- 2) Restricted net position of \$1,019,849 which represents funds or assets specifically restricted for a certain use i.e. B&C Funds, impact fees, etc.
- 3) Unrestricted net position of \$3,911,856 which are assets available to operate and run the affairs of the City. He said this is not all cash some is receivable, inventory, etc.

David reviewed the change to the City's net position (on page 6 of the Financial Statement). He pointed out the change in taxes stating that these increased from \$1,604,225 to \$2,075,005 in FY2016. He explained that this year the State Auditor's office put forth a new requirement that cities report monies collected for Mass Transit Tax. He said the Mass Transit Sales Tax was approved by the City, but goes directly to the Utah Transit Authority (UTA), never hitting the cities accounts. The State Auditor's office is requiring that cities now report this amount as income, and then as an expense. David said this reflects as increase to tax revenue and expenses under Community Development. He said that the amount of Mass Transit Sales tax was \$385,000. Council Member Taylor asked if this equals the total increase to the tax amount. David said it makes up the majority of the increase; there was about \$75,000 in additional taxes collected beyond the prior year. David reported that other revenues increased from \$24,290 to \$114,918 mainly due to the Pointe Perry land now owned by the City. He reported that capital grants and contributions is the other major change from \$66,937 in FY2015 to \$323,817 which comes from the Taylor's Cove subdivision. He said that when a subdivision is completed they donate the infrastructure to the City, which has resulted in an increase in assets. David reviewed expenses stating that some increased and some decreased the main reason being due to the way payroll was allocated. He pointed out the increase to net position in relation to business type activities of \$588,701 stating that this is mostly impact fees collected as a result of development picking back up.

David reviewed net costs of Governmental Activities (on page 7 of the Financial Statement). He said the goal on the proprietary funds is to break even and possibly make some money to help with improvements to the utilities. He said that on the governmental funds you typically have more expenses than program related revenues. He reviewed the total governmental program expenses which totaled \$2,219,743 and the revenues of \$803,671. He said that this demonstrates how much each program is costing the City. He said that the streets are showing a profit in FY2016, which he believed to be restricted fees collected. David said overall program revenues as a percentage of total expenses increased by 36%.

David reviewed the General Fund Budget (on page 49 of the Financial Statement) He explained that the budget is going to show the affects of the Mass Transit Sales Tax as well. He said because this was a new requirement this year, we were not sure where the revenue and expenditure was going to go and Shanna did not have enough time to budget this appropriately. He reported that the City budgeted \$852,296 in sales tax revenue and the actual amount received was \$1,058,656. He said under expenditures the budget for Community Development (where Mass Transit Sales Tax was budgeted) was \$424,996 and the actual expense was \$465,651 therefore the City was \$40,655 over budget (due to Mass Transit Sales Tax). He stated at a fund level the City was fine and in total did not spend more than was budgeted.

Mayor Cronin asked about the Fund Balance in the General Fund. David Rogers advised that the State has a requirement that you have an unassigned fund balance of no less than 5% and no more than 25%. The City's unassigned General Fund Balance is \$628,643 and total revenues are \$2,523,240 therefore the City has fund balance of 24.9%. Mayor Cronin said that we were as frugal as we possibly could be and saved as much money as was allowed.

The City's Auditor Chuck Palmer of Christensen, Palmer, and Ambrose reviewed the Cash Flow Statement (on page 23 of the Financial Statement) stating that the proprietary funds are cash driven so this is an important statement to review. He said overall all the cash in the proprietary funds increased by a little more than \$200,000. Chuck advised that the Management Discussion and Analysis (MD&A) is a good review of the total statement. He said if you have specific questions about the information therein take a look at the notes.

Chuck presented the Audit Report (on page 1 & 2 of the Financial Statement). He said Shanna Johnson and staff keep track of the basic financial information, and David Rogers puts together the Financial Statement based off this information. Chuck said his job is to review whether or not they are materially correct. Chuck reported upon the completion of the audit their opinion is that the financials are materially correct, which is the best opinion they can give.

Chuck reviewed Auditor's report on internal controls (on page 54 of the Financial Statement). He indicated that they look for any deficiencies in internal controls, and the results of the tests displayed no instances of non-compliance or other issues that would be required to be reported regarding internal controls. He said that Shanna, the Mayor and staff do a good job of making sure that things are allocated correctly and that they are following good internal controls.

Chuck said the next report reviews compliance. He explained that the State Auditor requires that they take a look at different areas of compliance. He said they looked at Budgetary Compliance, Fund Balance, Utah Retirement System Compliance, Restricted Taxes, Open Public Meetings,

Treasurer's Bond, and Cash Management. Chuck reported that he did not show any findings. He said referred to the Community Development Budget that David had referred to stating that technically the City was out of compliance on this budget, but he is required to test on the overall fund level therefore for this was not listed as a finding. Chuck said that he feels this is nit-picky because the Mass Transit Sales Tax goes directly to the UTA and does not touch the City's books. He said that the State may send a letter regarding this budget and if needed he can respond to this. He said he is more concerned about whether or not we are following the budgets we set and he feels that the City has accomplished this.

Council Member Wright asked if there was an incidental finding would this cause a fine to the City. Chuck replied no, that in most cases the State Auditor's office will send a letter of non compliance requiring the City to come up with a corrective action plan. He said that they have taken more aggressive action on transparency, requiring that entities submit transparency reporting or they will hold funds, but in this case it would just be a letter.

Mayor Cronin thanked Chuck Palmer and David Rogers for their efforts on the Financial Statement and Audit. Mayor Cronin advised that the City was able to get the Financial Statement and Audit report submitted on December 30th which was prior to the due date of December 31, 2016.

ITEM 4: PUBLIC HEARINGS AND/OR PUBLIC COMMENTS

A. PUBLIC COMMENTS

None.

ITEM 5: ACTION ITEMS

A. APPROVAL OF WARRANTS

Mayor Cronin advised that last week she sent an email to the Council regarding a purchase needed for a new heater in the First Responders bay, which totaled more than \$2,000. She said that a majority of the Council contacted her stating that they were okay with this item being ordered and it should be in sometime next week. She said that there is also an additional warrant for the Police Vehicle, which this year the City has decided to lease Police Vehicles and this is the amount needed to enter into the lease agreement. Shanna stated that the additional warrants have been attached to the warrant sheet passed out to the Council.

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

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

B. FUTURE OF EMERGENCY SERVICES

Mayor Cronin said in the first meeting of December the Council discussed the recommendations that came from the Future of Emergency Services (EMS) task force. She said the recommendation was that Perry City look into becoming our own independent Quick Response Unit (QRU) and the Council asked the Mayor to research this further. Mayor Cronin said she has spent the last month getting in contact with several people. She said the group she met with was the current EMS Chief, Van Mund and also Russell McKay, the Perry City EMS Deputy Chief. She said as they talked there were no concerns noted in moving forward in that direction. She said that one specific item we wanted to ensure is that there would be no negative impact to Willard City. Mayor Cronin advised that she asked Van about this and he indicated that there would be no negative impact. Van agreed.

Mayor Cronin indicated that she then talked with Dr. Bryce who advised that in order to be a QRU Perry City would need a medical advisor and he is the medical advisor currently for Brigham City and as long as we are under the Brigham City contract he would also be able to be Perry City's medical advisor. She stated that if at any time we were not under contract with Brigham City there would be a cost per hour but at this time being under contract there would be no additional cost. Mayor Cronin noted that she met next with Brigham City Fire Chief Bach and he has offered up a written response with his support and stating that Perry City will function well as an independent QRU and this would provide better support to the community. She stated she also talked with Brigham City Mayor Tyler Vincent who was very supportive of a Perry City QRU and said he would help support Chief Bach in getting Perry City training with Brigham City. Mayor Cronin said she reached out and spoke with Mayor Braegger and said he does not have any concerns. She asked if he thought there would be any negative impacts on Willard and he said there would not be. She reported that she asked Mayor Braegger if he would be willing to sign a mutual aid agreement and he was supportive of this. Mayor Cronin said she spoke with Cory Barton who is the County Fire Marshall over the phone; he did not have any concerns and thought that this would be a good move. She noted that being an independent QRU will open up grant opportunities and will help with consistency of protocols via training with Brigham City.

Mayor Cronin said she talked in depth with Monica Taylor on the costs of an independent QRU and was told there would be a onetime fee to the state of about \$120. There is a 45-90 day process to get the license processed. She said that we currently have the medical supplies needed to run the advanced medical unit, but will need a tracking system to report to the State and interact with other agencies. Van Mund stated that Willard City uses Polaris which is the States system and when the State moves to the Image Trend system, they can move over to this system for free. Mayor Cronin said that Perry City could do the same using Polaris for now then transitioning to Image Trend. She said the cost to put in place our independent QRU will be minimal. She said that there could be additional costs associated if we decide to provide fire assistance. Russell McKay asked if Perry City would be getting a fire truck. Mayor Cronin said no, but if Perry volunteers who are fire trained want to train with Brigham City Perry would need to get turn out gear. Chief Bach added that if Perry starts to train with Brigham City and has their own fire turn out gear, they would be welcome to help with fire services in Brigham City and Perry. He said that the dynamics of fire is when you get to a fire scene its all hands on deck and you use all hands.

Council Member Taylor asked Chief Arbon if he had anything he would like to add. Chief Arbon expressed that he supports the recommendation from the task force.

Russell McKay expressed concern with training and splitting the training between Willard and Brigham. He did not want member of the Perry First Responders training at different locations and there being confusion at a call. Mayor Cronin said that training protocol and procedures will be identified as we organize the QRU. Russell said the group is made up of volunteers and already spend a lot of time away from their families he wanted to make sure that the Perry EMS does not lose volunteers. Mayor Cronin said that the new training structure should open up the availability and flexibility of training. Monica Taylor, Emergency Manager for Perry, said that we do spend hours in training and on calls. She said she does not think they will want to have different training, at different locations, at different times. She said that she sees the group voting on the training they will attend, and may do some training in house. She said that we can do a lot more if we can focus on Perry City specific training. Russell said that if we put too many training choices out there the volunteers may not meet up and this may cause issues on calls. Mayor Cronin said that if the Council goes in the direction of an independent QRU we will need outline training through bi-laws and protocols. Greg Westfall stated the logistics can be worked out.

Mayor Cronin asked the Council for their thoughts. Council Member Wright asked if the costs would be more than \$10,000 and how much it will cost to maintain our own independent QRU. Mayor Cronin reviewed that there would be a \$125 application fee, \$50 to provide the First Responders to attend an officer training class. She said that we already have all the medical supplies. Council Member Wright asked if there are any items or costs shared with Willard City. Van Mund advised that Perry City will need to buy all their own drugs because the current medications were purchased under Willard's license and will need to go back to Willard. Brigham City Chief Bach said that Brigham City helps Willard and they would do the same for Perry in that any medications used will be restocked as they are able to get reimbursed for the supplies. He said there may be some minor supplies that may not apply, but over the long haul the medications will be reimbursed or restocked. Van said there also may be some drugs that expire and will need to be replaced. Mayor Cronin said that she foresees the total costs being \$3,500 to \$5,000. Chief Bach said that once Perry has their own QRU they will be eligible for grant money to help pay for supplies.

Mayor Cronin advised if the Council chooses to go in this direction they will submit the application and this could roll out as soon as May. Council Member Taylor said his only concern has been that the relationship with Willard is maintained. He expressed his appreciation for Willard and their working with Perry City EMS.

Mayor Cronin noted that Perry City Police could also be trained to be First Responders. They are the first to respond to calls and can then provide help until the First Responders arrive.

MOTION: Council Member Taylor made a motion to accept the Emergency Service Task Force recommendation to create an independent Perry City Quick Response Unit. Council Member Montgomery seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

Mayor Cronin thanked all of the EMS representatives who have helped the City in the past and going forward.

ITEM 6: DISCUSSION ITEMS

A. TOURISM GRANT

Mayor Cronin advised that the Box Elder County Tourism Grant application deadline is February 28th. She detailed that the City has the following tourism grants that they are looking to close out:

- **1200 West Trail** – Mayor Cronin said we have also secured funds from another grant source to help with this project. She has talked with the County and they have indicated that this money could be used on engineering and planning for the road/trail. Council Member Tueller asked if Willard will be completing their portion of the trail at the same time as Perry. Mayor Cronin was not sure of Willard's timeline for completion of their section of the trail. She said that she felt that would be best of all worlds, stating that Perry expects to see their funding in FY2018 or FY2019.
- **Gun Range Shed:** Mayor Cronin said that the City will be using the tourism money to pay for the shed and will install the floor and concrete at a later date (in the spring).

Mayor Cronin asked if the Council has any suggestions for projects. Council Member Wright asked if they have funding for sidewalks. Mayor Cronin stated if you can list these as trails. Greg stated that the trails need to be utilized for tourism. Mayor Cronin said there are two additional grants

that have been submitted for trails but they will not be reviewed and awarded until March. One is for a trail on 2700 heading south. Greg said the other is for trail work at Dale Young Park.

Council Member Tueller asked what the funds can be used toward. Greg Westfall said that these are for smaller grants to draw tourism into the area. Mayor Cronin said that the City has received as much as \$13,000. Mayor Cronin said that if you look as far as letters of recommendation from the County there were 7 letters of recommendation from various departments in the County for the gun range. She said one thing that was discussed when the group went to Reno was a possible outdoor archery range. She said that last year the City put in for a grant to help with a trail around Dale Young Park and this was not funded. Council Member Tueller said that it would be nice to get some new signage for the City but he was not sure that this was tourism related. Council Member Wright agreed that signage would be helpful. Chief Arbon suggested a possible RV park for campers at the gun range. Greg asked if this is something that could be combined with a frontage road trail. Shanna said that the question the grant application is going to ask is how many people you are going to draw into the area that is what they are looking for. Council Member Tueller said the biggest draw will be the gun range. Mayor Cronin said that an idea she has heard being talked of is having a Highway 89 festival or county community day. This could include Willard City, Perry City, etc. and they could put together a historic display and other tourism based activities. Council Member Tueller thought the best option was expansion of the gun range venues or gun range promotion. Council Member Wright agreed. Mayor Cronin said that she feels that another great project is opening up the road from the Bird Refuge to Willard Bay. Council Member Montgomery agreed. Mayor Cronin asked the Council to forward her any other ideas that they come up with. She said that multiple applications can be submitted.

Mayor Cronin said that this year the County Tourism Board has set aside funds and implemented a new City Event grant program which communities can apply and get almost immediate funding of \$1,000 for community events such as our Fourth of July.

B. IEMC NOMINATION PACKET

Mayor Cronin stated that the nomination packet is for a grant to Emmetsburg for Emergency training. She advised that the nomination packet has been submitted. She said the State will review this and they have the opportunity to forward so many applicants on to the Federal level. Mayor Cronin reported that she put an invitation out to the County and the other Mayors within the County inviting them to join in on the nomination packet. She said the County Commissioners and Sherriff, Brigham City, Tremonton, and Deweyville all want to participate and are busy completing the eligibility requirements. Council Member Wright asked how many from Perry were included in the nomination. Mayor Cronin said we submitted nominations for 12 to attend. Mayor Cronin stated that our chances are better if the application is more regional so she is hoping that the other agencies get their applications in. If awarded we would not be attending until next fiscal year. Mayor Cronin thanked Monica Taylor for her help in submitting this application, to Zac Covington for his letter of support, and to Brigham City Fire Chief Bach for his help.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS:

- **November 10, 2016 City Council Meeting Minutes**
- **December 08, 2016 City Council Meeting Minutes**
- **December 20, 2016 City Council Meeting Minutes - Tabled**

MOTION: Council Member Wright made a motion to approve the November 10, 2016 and December 8, 2016 City Council Meeting Minutes with grammatical changes. Council Member Montgomery seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

B. MAYOR'S REPORT: Mayor Cronin recognized the public works crew for their incredible work with snow removal over the last few weeks. She said that as far as she knows that we have not had any accidents due to snow stating that public works did a phenomenal job. She reported that we had concerns of flooding but the weather cooperated and there is no weather related flooding that she knows of. Mayor Cronin reported that they did call out the CERT team to come help fill sand bags. She said that approximately 20 people came out and they filled 350 sand bags in less than an hour. Mayor Cronin advised that over the last week about 1100 sand bags were taken leaving the City with a shortage of sand bags. She said that the remaining sandbags have been locked up. If someone has an immediate need they are to contact the City and work through Monica Taylor in order to get sand bags but we are trying to retain some sand bags as we are worried about city detention basins and ditches that may flood i.e. the ditch on 1200 west near Wal-Mart that is filling quickly. Council Member Taylor asked if we will ask for the sandbags back. Greg said no, we hope that people will keep these in their garage and use them next time they are needed. Mayor Cronin stated that the best thing that residents can do is to keep their storm drains clear. Council Member Tueller said that many residents do not know where the storm drains are and asked if there was a map at the City showing this. Greg said there is a map at the City. Greg said that public works have also cleared out many of the storm drains. Mayor Cronin said the City is getting a lot of calls about removing snow from mail boxes. She said that the City's function is to keep the roads clear; mailboxes and sidewalks are the responsibility of the homeowner. She said that if they need help they need to ask neighbors, scout groups, etc. Council Member Wright asked about fire hydrants. Greg replied that fire hydrants are the City's responsibility and they need to improve on clearing these out. He said they have a new staff and they are training them on making sure not to bury these. Mayor Cronin encouraged help from the community.

Mayor Cronin reported that the City has completed one sale on a lot in City Center. She said the sale of the lot to Clint Nelson has been completed and the transaction has been recorded.

Mayor Cronin reported that the Excavation Reclamation Task Force has been put in place. She provided the council a copy of the task force's purpose that was also provided to the task force and stated that they will be meeting over the next 3 weeks.

Mayor Cronin forwarded a letter received from the Three Mile Creek Elementary School Principal asking for crossing guards and other safety features. She also provided the council with a response letter and asked them to review the letter and asked them to contact her with any changes they may have, if no changes were requested she would send the letter to Principal Nelson

Mayor Cronin reported that she has a UTA Board meeting tomorrow, explaining that she is a board member representing Tooele and Box Elder County. She stated that all the commissioners from Tooele and Box Elder Counties and all of the Mayors, as well as the UTA representatives and two senators will be meeting at Maddox to discuss the Money collected from the communities for UTA corridor preservation. She said that it is believed by the County Commissioners and area Mayors that a front runner stop would be better utilized if it were near to 1100 South as opposed to the original planned location of behind the high school on Forest Street in Brigham City. She asked the Council if there were any UTA related items that they would like the Mayor to represent at the meeting. Russell McKay suggested benches at bus stops. The Council was in support of the front runner stop being on 1100 South. Mayor Cronin said that the front runner will not be coming until 15-20 years from now but they are trying to purchase rights of way now.

Mayor Cronin stated that we are gathering the data and compiling the data from the General Plan surveys. She stated that this information was asked to be in by the end of December. She said that in the newsletter she put out a request for volunteers to be on the General Plan advisory committee. She asked the Council to forward her any names as well.

Mayor Cronin reported that the 1100 South Joint Advisory Board met on Tuesday to help maintain continuity on 1100 South. She said that Brigham City has some development that is looking at going in just west of the Dollar Tree store. She stated that the Perry representatives were Planning Commissioners Blake Ostler, Vicki Call, and Devon Miles. She said that they have recommended that this development go to the full Planning Commission in an effort to ensure that the Perry City roads match up with the development. Greg said that he also received an email from the Brigham City Planner asking questions regarding our roads.

Mayor Cronin announced that Brigham City is celebrating their sesquicentennial during the month of January and encourage the Council if they have the opportunity to wish Brigham City officials a happy 150th birthday.

Mayor Cronin advised that the Utah League of Cities and Towns conferences will be April 5-7, 2017 in St. George and September 13 – 15, 2017 in Salt Lake and asked the Council to keep the dates open and plan to attend.

Mayor Cronin brought forth discussion regarding an application received Verizon Wireless for a cell tower to be located here at the City building. She said that we had in place a non-compete agreement with another telecommunication tower that the City entered into contract with in 2013. She states that the non-compete agreement expires on February 13, 2017. She said that Verizon submitted application and this was reviewed by the Planning Commission at their last meeting. She said that this was also discussed in their December meeting. She reviewed that a public hearing had been held in the Planning Commission's December meeting and then a public hearing was held as part of the Planning Commission's January meeting after letters were sent out to residents within 300 feet of the proposed location of the tower. She said that there was one resident that attended but did not make any comment. Mayor Cronin said that the motion to grant the application at Planning Commission failed as it was a tie vote 3/3. She said that the Planning Commission will be writing a letter with input from both sides of the vote. Mayor Cronin provided some details regarding the Verizon application in preparation for this item to be up for action at the next City Council meeting. She reviewed that the land use chart generally outlines what uses are allowed within a zone, however there is more specific language regarding telecommunication towers written in the ordinance and it states that telecommunication towers are a permitted use on city owned property; listed in Perry Municipal Code 13.34.0304. She stated the specific language gives the authorization to allow the use, however the land use code does not allow them in the residential zone. She explained that the Planning Commissioners asked the City Attorney to write a (legal) opinion letter. Mayor Cronin reported the attorney wrote the letter stating that yes, in general you cannot have telecommunication towers in residential zones, but the specific language listed in the ordinance stating that this is allowed on city property overrides the general land use chart. Mayor Cronin said that many cities have civic zones, and although adding this type of zone has been discussed in the past it has not made it yet to our city code. She reported that all but 1 of the Commissioners that she talked with were okay with having towers, but were uncomfortable with the fact that this falls within the residential zone and the land use code does not allow this. Greg said that the confusion comes in the fact that the land use chart conflicts with the language in the ordinance. He said that the specific language overrides the land use chart according to the City Attorney. Council Member Tueller could not see why there was still confusion and

agreed with the City Attorney that the ordinance allows for the use. Mayor Cronin said that this same ordinance allows for our City building, water towers, and wells to be in residential zones. She said there are some things that the City needs to be allowed to do in the best interest of the community. She said most of the Commissioners she talked with were okay with the tower but would prefer that a government zone to be created. Mayor Cronin said we have two options for proceeding: we can move forward with creating a government zone, telling the applicant no at this time in order to meet the 60 day application period; or we can approve the application based off the current ordinance and then put in place a government zone to clarify similar issues in the future. Council Member Taylor asked if the vote from the Planning Commission came before or after review of the City Attorney's letter. Greg said after. He explained that the motion was not denied but it failed due to lack of a majority vote. He said it now comes to the City Council as a stalemate. He said that if he were a Council Member and there was a unanimous denial he would have concern, where as this was a 3/3 vote he would not be as concerned.

Mayor Cronin asked Planning Commissioner Stuart Grover if she represented the Planning Commission discussion/action appropriately. He agreed that she did, stating it came down to the conflicting information listed in the land use chart and the written ordinance. He said if you read the land use chart this is not a permitted activity, but when you read the ordinance it lists an exception for city property. He said for him this made sense, but others on the Planning Commission did not agree.

Greg said the City Attorney did a great job in the Planning Commission meeting answering questions. There was one question that was asked regarding our building being a non-conforming use in the residential zone and whether or not that you cannot make a non-conforming use more non-conforming and by allowing the tower are we doing this. He said according to the City Attorney and the Mayor the answer to this is no. This is not adding a non-conforming use to a non-conforming use; it is allowing a permitted use.

Mayor Cronin said it is not up for action tonight, but she wanted to discuss this tonight so that any information for the council can be gathered in order to make a decision at our next City Council meeting. Council Member Tueller asked if there were any commissioners against. Mayor Cronin said she knew of one commissioner that is against and the two others that voted no indicated they were not against the tower but confused by the conflicting information in the land use chart and ordinance. Stuart said he would not be able to speak for the other commissioners. Council Member Montgomery asked if the other group who had approval to build a tower was going to actually build the tower. Mayor Cronin said that they keep stating that they are but they have not yet.

Mayor Cronin asked for the Council's input on the Council retreat date stating that two members have indicated that January 24th is better for them and two have stated that February 2nd is better. She asked if one or the other date could be accommodated by all. The Council members agreed that they could make the February 2, 2017 from 11am to 3pm or 4pm.

C. COUNCIL REPORTS – None.

D. STAFF COMMENTS – None.

E. ITEMS FOR NEXT CITY 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:

- the purchase, exchange, lease, or sale of real property; and
- the character, professional competence, or physical or mental health of an individual

Council Member Taylor seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

The regular meeting closed at 8:49pm.

MOTION: Council Member Montgomery made a motion to leave the Executive Session and reenter the Public Meeting. Council Member Tueller seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

The regular meeting reopened at 9:45pm.

Council Member Wright asked if Perry has any leverage on Pineview Water's open canal and making sure that it is maintained. Greg said we can talk to Pineview and get in front of the right people to voice our concerns. He said at the same time we need to do a better job of communicating to our citizens that it is not our right to modify or change the canal. Greg said he will look into our options. Council Member Wright said it is a safety issue as it covers the entire length of Perry City and Perry is downhill from the canal. Greg said the Mayor and he would try to contact them.

ITEM 9: 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 9:47pm.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder