

**OFFICIALS PRESENT:** Mayor Karen Cronin presided and conducted the meeting. Toby Wright, Esther Montgomery (arrived at 7:05pm), Brady Lewis, James Taylor, Nathan Tueller

**CITY STAFF PRESENT:** Greg Westfall, City Administrator  
Susan Obray, City Recorder  
Craig Hall, City Attorney

**OTHERS PRESENT:** Matt Hall, Devin Miles, Len Nelson, Debbie Nelson, Jerry Nelson, James Nance, Norman Nelson, Neil Checketts, Brandon Nelson, Margaret Lyon-Sipes, Willetta Nelson, Sherry Nelson, Susan Lyon, Tresa Peterson, Tauni Earley, Heath Earley, Nelson Phillips (Box Elder News Journal), Lorraine Vernon

**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**

Greg Westfall led the audience in the Pledge of Allegiance.

**C. REVIEW AND ADOPT THE AGENDA**

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

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

Susan Obray passed out the warrants. Council Member Taylor asked about the payment to Homes USA. Mayor Cronin advised that this is the 4<sup>th</sup> of 5 installment payments made for the training facility at the Gun Range.

**C. APPOINTMENTS:** None.

**D. BUSINESS LICENSE(S)**

- **Peas 4 Two Emporium**

Mayor Cronin reviewed the business license application stating that there is no visiting clientele. She asked business owner Lorraine Vernon to give a review of her business. Ms.

Vernon advised that she is just working with a couple of vendors with rental booths that she charges rent for. She said neither booth is located in Perry City, one is in Salt Lake City and the other is in West Point.

- **Tauni's Daycare**

Mayor Cronin reviewed the business license application stating that there will be visiting clientele and explained there was other criteria that had been reviewed by the Planning Commission. She said that the Planning Commission has recommended approval of the license. Mayor Cronin asked Tauni Earley to give some details regarding her business. Tauni said that she is putting in for a licensed daycare at her home. She said that it will operate Monday thru Friday. Mayor Cronin said that part of the recommendation by Planning Commission is that the approval of this license be with the condition that the business receives a license from the State. Mayor Cronin explained that a daycare applicant can only get a license from the State if they have a business license. Council Member Lewis asked how many children would be at the business and what the hours will be. Ms. Earley answered 16 children and 5-6 visiting parents a day. She said her hours will be approximately 6:00am to 5:30pm. Council Member Lewis asked if all State mandates have been addressed. Mayor Cronin said that this was researched by Planning Commission and the mandates have been met up to the need of a business license in order to obtain State licensing. Greg Westfall stated that administratively the City will follow up to ensure that State licensing has been obtained.

**MOTION:** Council Member Lewis made a motion to approve the Business Licenses for Peas 4Two Emporium and Tauni's Daycare, Tauni's Daycare being contingent on the business receiving State Licensing. Council Member Tueller seconded the motion.

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

### **ITEM 3: PRESENTATIONS**

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

Mayor Cronin reported that the City had a very successful 4<sup>th</sup> of July. She said the numbers of participants especially on the Monday, July 4<sup>th</sup> were up significantly. She stated that she received feedback from many community members that were happy with the variety of activities that took place. They felt that there was something for all ages.

Mayor Cronin reported that the City received a couple of thank you notes, one from Corene and Bob Jenson, thanking the City for the opportunity to serve as Grand Marshalls. She said the other thank you note was from Box Elder County thanking the City for hosting the site selectors at the gun range.

### **ITEM 4: PUBLIC HEARINGS AND/OR PUBLIC COMMENTS**

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

Mayor Cronin advised that she is aware that there may be people present to make comment on a recent action taken by the City regarding a temporary restraining order and if that is the case, it is asked that those comments be forwarded to the City Attorney. She then opened the meeting for public comment.

**Norman Nelson:** stated he has been a resident for over 40 years and his family has considered Perry City their home. He said they have freely volunteered their time, energy, property to the City and are still willing to do so. He expressed concern with a letter received from the City Attorney

that he felt was demeaning and therefore did not give a response. He said that citizens should never be bullied or threatened by their own government. He asserted that governments were formed to protect not persecute. He stated that they have always dealt with the City honestly and with good faith and he does not feel they are being treated with the same level of respect. He refused to deal with the City until they are treated with respect.

**Matt Hall:** expressed his appreciation for the 4<sup>th</sup> of July events stating it was an enjoyable time. He reported concerns regarding a letter he received this past week regarding an animal ordinance that was passed that apparently he is in violation of. He stated after discussing the issue with members of the Planning Commission and a few City Council Members he did not feel the letter referenced the correct ordinance. He explained that he has an acre and a half of property and feels it is strange in the City of Perry where on the way to the City office he drove past two farms, orchards, and pastures, he is being told that on his acre and half of property he cannot have so much as a rabbit on his property. He stated that he feels the zoning should be looked at and should be based on the size of property and if it can properly take care of animals, if so residents should be able to have animals on that property.

## **ITEM 5: ACTION ITEMS**

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

Mayor Cronin reviewed the warrants and reviewed three additional warrants that need pre-approval. She said one has to do with Macquarie Company which is due to some research done regarding Utopia a few years ago. She said the City entered into this research knowing fully that there would be a cost to pay. She advised that the total bill is \$7,921 which is less than anticipated and is within budget.

Mayor Cronin stated another item needing pre-approval that was budgeted is a ditch witch for the public works. She said that this will enable the City to do repairs on the City water/sewer lines and is around \$50,000. Greg Westfall stated this will be depreciated over 10 years.

Mayor Cronin reviewed the final bill needing pre-approval, Precision Asphalt for \$15,000, which was for crack seal work completed. She said that these are invoices received after the warrant report was created and will be coming back to the City Council in a future meeting for approval. Council Member Lewis asked if it is legal to pre-approve these items. Greg Westfall said as long as they are budgeted it is okay.

**MOTION:** Council Member Taylor made a motion to approve the warrants presented, and pre-approve three additional warrants:

- Precision Asphalt - \$15,000
- Macquarie Company - \$7,921
- Public Works Ditch Witch (Premier Vac Trailer) - \$50,000

Council Member Lewis seconded the motion.

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

## **ITEM 6: DISCUSSION ITEMS**

### **A. FOURTH OF JULY REVIEW**

Mayor Cronin reported that there had been over \$600 that was brought in with the Bingo. She said that we usually have 50 Bingo cards and this year we had 110 and still ran out, which shows we had

double the amount of participants. She said the Box Elder High School Color Guard was over the children games and they also reported an increase in participants. They expressed that it was a great fund raiser for them. She said we had a successful first time City Award Dinner, which resulted in many positive comments from the award recipients. She reported that the City had a very cute Uncle Sam/Miss Liberty and Baby Contest, and there was some great upcoming talent at the Perry's Got Talent event. She recognized that there was some confusion surrounding the softball teams this year, but stated that there is a plan in place to improve this next year. She stated that the donations from business partners and sponsors were also at an all time high. Mayor Cronin said that the Fireworks started 4 minutes early and we will work to correct this in the future. She reported that the Independence Walk (new event in 2016) was very successful and there were over 150 participants. Council Member Lewis thanked the Mayor and staff for all their hard work.

## **B. WASATCH CHOICE 2050 CONSORTIUM AND ACTIVE TRANSPORTATION & HEALTH SUMMIT**

Mayor Cronin reviewed that this event was a national conference hosted in Utah. She explained that she attended this conference in which different cities came together to discuss how to build, develop and coordinate cities while meeting the needs of the citizens. She said that the key note speaker talked about how they are finding that the layout of cities is having a big impact on the health of the citizens in that area. She stated they took a map of the San Francisco City and they could diagnose depending on the area i.e. diabetes was very high in areas that did not have safe walkable areas and that were lacking fresh fruit and vegetables. She said that places that had a lack of active transportation had higher obesity rates; if we have more active transportation and encourage being active we will have a healthier community. She advised that it was reported during the meeting that currently the United States is running about 18% of our gross national product in health care related issues as opposed to China and Japan which only 5% of their gross national product is being spent in health care related issues. She said there were several breakout sessions one of which was in reference to City Planning. She advised that the last time our general plan was updated was in 2005, the State recommends general plans be updated every 5 years. She proposed updating the general plan by way of looking at some timeframes in October where the City can hold a town hall meeting and invite the public to come in and provide input on how they would like to see the community develop. She suggested having this over two nights (Wednesday and Thursday). She outlined the process stating the City Council will then meet with the Planning Commission to advise of the direction the City Council would like to support, and have the Planning Commission take and start molding the general plan. She proposed a possible date of October 5<sup>th</sup> and 6<sup>th</sup>. The Council would then review input on October 15<sup>th</sup> and then meet with the Planning Commission on October 20<sup>th</sup>. Council Member Tueller said that he understands the importance of what was discussed during this conference, but we cannot control people's choices. He said he feels that Perry City can come together and see what is best for the City. Mayor Cronin agreed and said that is what spurred her in the direction of working on the general plan, and working with the citizens to see what they felt would be best for the community.

## **C. EMERGENCY OPERATIONS PLAN**

Mayor Cronin said that she has forwarded an electronic copy of the Emergency Operations Plan to each of the Council Members. She advised that an Emergency Operations Plan is needed in order to receive Federal funding in the event of an emergency. She explained the City currently does not have a plan; there was one started many years ago, but was not fully adopted. She said that Monica Taylor and she have met several times, along with Greg Westfall, the Public Works department, and Emergency Services. She said this plan is now ready for review from the City Council and encouraged them to look through it with a fine toothed comb to help identify anything that is missing or needs to be changed. She said one of the main responsibilities of the City Council is to make sure in an emergency situation there is as much a continuation of services as possible and protection to the residents. She offered if needed to send another electronic version or to get paper copies of the plan for the Council to review if needed. Council Member Tueller asked if the plan has

changed since the last meeting. Mayor Cronin advised it has not. Council Member Taylor asked for the plan to be sent again. Council Member Lewis asked that the plan be put in the next packet. Council Member Montgomery asked for a hard copy. Mayor Cronin stated that the Emergency Operations Plan will be reviewed at the next City Council meeting.

#### **D. CODE ENFORCEMENT**

Mayor Cronin explained that there needs to be some components put in place to allow the City to enforce the codes. She reviewed a document sent to the Council that detailed what is in the code currently and what needs more clarification. She stated that we have in place a way to create municipal codes, which is the legislative body. The codes define what can and cannot happen within the City i.e. storm water management, which puts in place rules to avoid storm water contamination. She said after the ordinance is in place it becomes an administrative issue to enforce the laws. The way staff accomplishes this is if they are aware of a code infraction they send a letter to the responsible party requesting compliance with the code. She explained that we usually allow 10 days for the issue to be resolved, but at times we are not able to allow 10 days; for instances of storm water violations we can only allow 24 hours (per State mandate) then we have to put in place penalties. She said the penalty for storm drain violations is \$100 the first day and \$200 thereafter. Council Member Wright asked what is considered a violation. Mayor Cronin said some contractors may build a ramp with dirt in the gutter while constructing homes in an effort to avoid damaging the curb when driving over it, this dirt now goes downstream into the storm drain and contaminates the storm water. She gave another example of people who blow grass clippings into the gutter, which causes contamination. Greg Westfall said this is not a City regulations, these regulations are set by the State as part of a Storm Water Management Plan Permit.

Mayor Cronin advised another issue the City deals with is signs within in the City. There is a Sign Ordinance which details what is allowed in terms of signage in the City. It details what dimensions, type, timeframe, and location is allowed for signs and requires that people wanting a sign get a sign permit. She said the current municipal code allows us to send a letter when a violation occurs, but does not have the teeth to allow the City to take the next step. She said she has had City Attorney Craig Hall review options. She advised that some cities levy criminal charges for violations, but the State has said that this practice is not a good way to enforce codes. She said other Cities levy a civil penalty i.e. a cost per day penalty, and allows further action which allows the City to clean up or correct the issue at the cost of the property owner. Mayor Cronin said that Craig has recommended a \$50 per day civil penalty and allowing that to go for a period of time. The Mayor reported that there is a home in town that has been there for 10 years that is unkept and has weeds taller than her. Many residents are concerned with it because it is a health and safety issue and is reducing the value of their homes. She said that we do not have the authority to go on the property to clean up the weeds, as this option is not written within the codes.

Mayor Cronin expressed that it is frustrating to have an Ordinance that cannot be enforced and encouraged the Council to consider adopting an enforcement mechanism.

Council Member Taylor asked if we have the Ordinances in place and what those Ordinances are. Mayor Cronin explained that we have an ordinance that prohibits weeds over 18 inches high. Greg Westfall agreed stating that we have ordinances that address fire hazards and nuisances.

Mayor Cronin said that Perry City contracts for Fire Services with Brigham City and she gets calls regularly from the Brigham City Fire Chief and the Brigham City Mayor regarding lots that have weeds that are 6 ft. high. She said we need to try to mitigate fire hazards so we can continue to have a lower fire contract fee rate.

Council Member Montgomery said when she was on the Planning Commission Duncan Murray was working on a hazards ordinance. She said when he left it disappeared, but she may have a copy of

it. Greg Westfall stated we do have an abatement ordinance, but it is vague and there are concerns as to if it is adequate or not. He advised that this is being reviewed by Craig Hall (City Attorney). He said that this would only cover the fire and safety hazards and would not cover signs and other items.

Council Member Lewis said there are many different laws and asked if the enforcement ordinance that Craig will be working on will be a blanket Ordinance covering everything. Mayor Cronin explained what Craig has done for other cities and what David Church recommends is putting in place a mechanism where the City has a way to enforce. She said that the City would of course try to contact the landowner and give them a timeframe to come into compliance. If they do not come into compliance one option would be to put in to place penalties for non-compliance of \$100 per day, then after 30 days the City has the right to do what is needed in order to bring the issue into to compliance and bill the land owner for the correction, and if after 60 days this amount is uncollected the City has the ability to put a lien on the property, so at some point the City is made whole. Council Member Lewis asked if the \$100 per day penalty would apply to all issues i.e. bunnies, grass clippings, bees. Mayor Cronin answered that this would be a blanket penalty for all issues other than those that have penalties identified elsewhere, such as Storm Water violations which the State has identified penalties. Council Member Lewis confirmed that this would be a starting point and could later be refined. Council Member Tueller agreed that code enforcement is important but the dilemma is that when the City gets involved it limits individual's property rights. He said there is always intrusiveness when trying to legislate things. Greg stated that is a dilemma shared with the Planning Commission, but the State allows cities the authority to make these kinds of Ordinances. He said it is up to the Planning Commission and City Council to decide if these ordinances are appropriate for their City. He advised the other challenge from an administrative stand point is that staff does not get to choose. If there a law is passed by the City Council the administrative action takes over and staff makes their best effort in addressing the laws in an appropriate manner. Council Member Tueller agreed, but stated the decisions made need to protect the rights of the citizens protected by the Constitution. He added that upper management may have a great idea, but that is why the Council has quasi sovereignty in making those decisions. Mayor Cronin stated none of us want to take people's rights away, but we need to look at the landowner living next to a home with 6 foot weeds. She said they have invested a lot into their homes and have an expectation to certain things that are for the good of everyone. She stated we try to balance the two. Mayor Cronin said we are fortunate to live in Perry where we have areas that are more rural and areas where there is more condensed housing, by letting everybody have 100% of their rights we take away the rights of others. Council Member Lewis agreed with everything the Mayor said, but stated if we have all these laws and no way to enforce it, we are invalidating the whole system. He said we need to do something that gives the City some very small teeth. He explained that in lean manufacturing you want things to stand out; if we start to enforce things and realize s a problem with a law it will make the city act on the law that needs fixing. He said he feels that enforcing will help validate the laws and correct them where needed. Mayor Cronin said that code enforcement is not anyone's favorite job, but if you are the code enforcer it takes the right tools to allow you to do your job. She said currently what we have on the books does not supply the right tools. She advised if it is the Council's will we can have Craig Hall start drafting an Ordinance that will provide the tools needed. She agreed that if we find a law on the books that does not make sense we need to take care of it. Council Member Lewis asked if most cities have enforcement mechanisms such as those being proposed. Mayor Cronin stated they do. She cautioned that if cities do nothing in regards to these issues developer will push this to be a State issue and they will put laws in place for cities to follow. She explained that this is not meant to be a money maker and the majority of people will like the laws because it will give residents some security as to what the expectation is regarding to land use based on zoning. Council Member Taylor said he believes we need something punitive, but \$50, \$100, and \$200 are too excessive for some items i.e. rabbits in your yard etc. Council Member Montgomery said this is important

especially in regards to recent complaints received on a vacant home; the City has needed to do something about this for a long time.

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

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

- **May 12, 2016 City Council Meeting Minutes**
- **May 26, 2016 City Council Work Session Minutes**
- **May 26, 2016 City Council Meeting Minutes**
- **June 9, 2016 RDA Meeting Minutes**
- **June 9, 2016 City Council Meeting Minutes –(Not Ready)**

**MOTION:** Council Member made a motion to approve the May 12, 2016 City Council Minutes, May 26, 2016 Work Session and City Council Meeting Minutes, and the June 9, 2016 RDA Meeting Minutes with some grammatical changes. Council Member seconded the motion.

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

- B. MAYOR'S REPORT:** Mayor Cronin announced that the Three Mile Creek Shooting Sports Complex received a donation of steel targets valued at \$1,000. She recommended that the City award an annual pass to Nate Christensen and Mike Bowan in recognition for their donation. Council Member Wright asked if this would be just a 1 year pass. Mayor Cronin said yes.

Mayor Cronin reported the CCRs (conditions, covenants, restrictions) for the Evans Canyon 1-Lot Subdivision proposed by adjacent land owners have been received and passed on to the City Engineer. He found no problem in relation to the square footage of the home, which the proposed CCRs included a minimum 1500 sq. ft. home with a 2 car garage, and the lot will hold up to a 2500 sq. ft. home with a 2 car garage. She said the proposed CCRs also address construction materials as being brick, rock and stucco, with no siding being allowed and staff felt this was appropriate for the area. She advised that the proposed criteria for the pitch of the roof was 8-12 and the City Engineer recommended a 6-12 requirement as this will dramatically reduced the cost of the roof, but would not decrease the value of homes in the area. Mayor Cronin said there were other restrictions such as no clothes lines, trees in mow strip etc. that the City most likely will not be considering. She advised the items being considered are based on maintaining home values in the area. Mayor Cronin stated that the residents in the area will have the ability to make offers to purchase the lot however the improvements for the lot will be going out to bid in the near future and as more costs are invested into the lot the price of the lot will increase. She asked if the Council had any concerns to let her know. Council Member Tueller asked if the CCRs will be approved by the Council. Mayor Cronin said yes, but clarified that these will not be called CCRs, but requirements of the dwelling. Council Member Lewis asked if this would be monitored for compliance administratively. Greg Westfall said that the Building Inspector will be over this, but staff would also be included in monitoring dwelling requirements. He also explained that usually the City does not get involved with CCRs and HOAs, but we are involved with this particular project as we are the developer. Mayor Cronin stated that this will come back for action in a future meeting.

- C. COUNCIL REPORTS:** None.

- D. STAFF COMMENTS:** None.

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

**ITEM 8: EXECUTIVE SESSION**

**MOTION:** Council Member Montgomery moved to close the Public Meeting and open an Executive Session to discuss strategy regarding pending or imminent litigation. Council Member Tueller seconded the motion.

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

The regular meeting closed at 8:10pm.

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

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

The regular meeting reopened at 9:00pm.

**ITEM 9: ADJOURNMENT**

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

The meeting adjourned at 9:01pm.

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Susan Obray, City Recorder

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Karen Cronin, Mayor

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Shanna Johnson, Chief Deputy Recorder