

OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting. Toby Wright, Esther Montgomery, Nathan Tueller and James Taylor (arrived at 7:08)

OFFICIALS EXCUSED: Brady Lewis

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

OTHERS PRESENT: Sharon Nelson, Diane Kulkarni, Suresh Kulkarni, Nelson Phillips, Sharmila Felix, Josh Felix, Madeleine Felix, Joseph Bach, and Ian Sawyer

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 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 Wright seconded the motion.

ROLL CALL: Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Montgomery, Yes
Motion Approved. 3 Yes, 0 No.

ITEM 2: PUBLIC HEARING AND/OR PUBLIC COMMENT

A. Public Comment

Suresh Kulkarni stated he lives at 2595 S 1200 W in Perry. He thanked the Council for taking the time to listen to the public regarding this issue. He stated he heard on TV that there have been 32 days of 90° plus weather and 10 days or 100° plus weather. He said on KSL's website it shows what areas in Utah are doing regarding fireworks due to the dry conditions. He recommended the Council review this site and explained some of the restrictions the surrounding areas have implemented.

Josh Felix stated he lives at 2585 S 1200 W in Perry. He said he supported the statements of Mr. Kulkarni. He expressed he does not agree with the idea of having all the residents living east of Highway 89 coming to the west side to shoot fireworks anywhere but at City owned property. He stated there are too many dry fields that would be extremely dangerous if they caught fire. He recommended to do something temporary to limit firework usage this year, and then create a task force to benefit the community for a long term solution.

Sharmila Felix supported her husband's statements.

ITEM 3: ACTION ITEMS

A. Resolution 17-25 Adopting Additional Temporary Firework Restrictions

Mayor Cronin summarized Resolution 17-25, which she explained has four items noted: it is temporary through September 30th, it has a ban both east of Highway 89 and west of 1200 West, it does not allow fireworks on City property except at Perry City Park, it allows a window of using fireworks to one day before and one day after the 24th. She noted the City Attorney is concerned with the usage of using Perry Park due to the liability to the City which comes with this usage.

Fire Chief Bach stated he supported the City Attorney's concern on using the park and recommended against using any City owned property. He stated there are certain areas of the City which should ban the usage of all fireworks, due to the high risk of a wild fire. He also recommended banning aerial fireworks City wide. He supported the ban of fireworks west of 1200 W.

Mayor Cronin stated it was brought to her attention that the current Perry City ordinance states that any person who sets off more than \$200.00 worth of fireworks per day must get a permit.

Mayor Cronin stated Fire Chief Bach put together the cost of what it would be to provide a fire truck at the park in case of incident. She said the cost would be \$345.00 for an incident, \$54.21 for the use of the truck per hour, and \$28.00 an hour for each of the two fire fighters who would be needed to man the truck.

Council Member Wright stated he felt as long as the City puts in legislation which allows the people to govern themselves that's as far as the City should go, and advised against over legislating.

Mayor Cronin stated that per State Law the City should not ban fireworks unless it is at the recommendation of their Fire Chief.

Council Member Montgomery stated she was surprised that the proposed resolution does not address aerial fireworks, when that was the recommendation of the Fire Chief.

Mayor Cronin stated only two of the Council Members expressed concern over aerial fireworks. She explained she tried to include the concerns supported by three or more Council Members.

Mayor Cronin reiterated her concern as well as both the City Attorney and Fire Chief's concern of using Perry Park and the liability which comes with allowing it to be used for fireworks.

Council Member Montgomery stated she grew up in a town in Wyoming which did not allow any fireworks, and they simply went somewhere else to light their fireworks. She explained this might be what needs to happen in Perry.

Council Member Taylor felt it would be unwise to have mass amounts of people shooting off fireworks in one park.

Greg Westfall said the Council needs to take into account that if they decide to use the park and have the fire truck and fighters there, they need to take not only the risk of a fire into account but the risk of bodily harm occurring.

Council Member Taylor stated he has a large issue with aerial fireworks, and having them lit off at the park is a huge liability risk.

Fire Chief Bach reiterated limiting aerial fireworks to 15 ft. or less, not allowing any fireworks to be lit on City owned property, and place firework bans on areas which are high risk. He explained enforcement by the City Police needs to be addressed because the only way to enforce this proposed resolution is having people call in and complain, as the fireworks occur all over the City.

Council Member Tueller stated he supports individual responsibility and individuals talking with their neighbors if they are concerned. He said he feels the main issues with this incident is the individuals lit the fireworks in a parking lot they should not have been in and there lit them at a time with high winds. He felt the City should not over legislate this matter and take away the rights of those residents who use fireworks responsibly because of an incident of using them irresponsibly.

Mayor Cronin inquired if Council Member Tueller felt not allowing the use of the Park for fireworks was over legislating.

Council Member Tueller stated he did not. However, he continued, he felt the community needs to take individual responsibility in issues with their neighbors, and not expect the City to take it on for them. He said none of the public members who made comment stated they went over and spoke with the individuals lighting the fireworks. He stated if he had been the individual lighting off fireworks and someone came and told him the situation it was causing, he would've responded to it. He reiterated there is another option than creating legislation to prevent situations like this from occurring, and that is individuals communicating their concerns with their neighbors.

Mayor Cronin inquired if Brigham City allows residents to come to their parks to set off fireworks.

Fire Chief Bach stated they did not.

Mayor Cronin said this is where her concern is and that the rest is a compromise between the two sides of thought. She noted there are those who want no aerals and there are those who do want them. She reiterated her concern is the liability on the City of using the park for fireworks.

Council Member Taylor inquired if the Council can adjust the proposed resolution tonight.

Mayor Cronin confirmed this.

Council Member Taylor said in his experience if something one neighbor does is affecting the others welfare and safety talking between neighbors is the best way, but it does not work in our society. He said if property is being jeopardized because of the actions of another that's when government needs to step in. He said he felt it was the City's responsibility to do so. He explained in his experience, justice is not what we perceive to be right or wrong but who presents the best argument. He stated he is against the use of the park and the use of aerial fireworks.

Mayor Cronin inquired if there was any more comment from the Council.

Council Member Montgomery stated she felt this resolution was a good compromise between the Council Members.

Mayor Cronin stated in the email she received from Council Member Lewis and he agreed with the concepts of the proposed resolution. However, she continued, he felt keeping the limit on days of using the fireworks around the holiday should be left at 7 instead of 3.

It was clarified that Council Member Tueller was the Council Member who emailed this suggestion, not Council Member Lewis.

Council Member Wright stated he felt gaging a 15 ft. firework would be difficult to govern.

Chief Bach explained that if you set a limit at 15 ft. and you see 100 ft. fireworks, you know those residents are being noncompliant. He said it is these big fireworks which usually cause issues like the incident which occurred on July 5th.

Council Member Wright felt setting a 20 ft. limit would be fine.

Mayor Cronin stated a few years ago there was a family out of town and the out of town family's home was saved due the quick response of their neighbors. She explained the City billed this family for the cost of putting the fire out and they felt this was unfair as they were not home, the fire was not on their property, and they were not lighting the fireworks. She expounded because the City could not find who lit the fireworks the City had to absorb the cost. She explained with firework fires it's hard to prove who started the fire.

Mayor Cronin stated there had been a lot of good discussion and she felt it was time to make an action. She said if the Council would like to modify the resolution to where they are comfortable to vote, now would be the time to do so.

The Council discussed the adjustments they felt would be in the best interest of the City which were as follows: not allowing fireworks on any City owned Property and not allowing aerial fireworks above 20 ft.

ITEM 4: ACTION ITEMS

MOTION: Council Member Montgomery made a motion to accept Resolution 17-25 with the modification to number 3 and including a ban on aerial fireworks exceeding 20 ft. on a temporary basis. Council Member Taylor seconded the motion.

ROLL CALL: Council Member Wright, No Council Member Tueller, No
 Council Member Taylor, Yes Mayor Cronin, Yes
 Council Member Montgomery, Yes

Motion Approved. 3 Yes, 2 No.

Mayor Cronin expressed gratitude on all the discussion which has been given by the public, attorney, Fire Chief, Staff, and Council.

Council Member Tueller stated he represents a much larger portion of the population than is in attendance tonight, and this is why he voted the way he did.

ITEM 4: EXECUTIVE SESSION: DISCUSSION OF THE PURCHASE, EXCHANGE, LEASE, OR SALE OF REAL PROPERTY AND STRATEGY SESSION REGARDING PENDING, OR RESONABLY IMMINENT LITIGATION

None.

ITEM 5: ADJOURNMENT

MOTION: Council Member Montgomery made a motion to adjourn the City Council Meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 7:58 PM.

Susan Obray, City Recorder

Karen Cronin, Mayor

Shanna Johnson, Chief Deputy Recorder