

- OFFICIALS PRESENT: Mayor Karen Cronin presided and conducted the meeting. Esther Montgomery, Nathan Tueller, Brady Lewis (arrived @ 7:04pm), and James Taylor
- OFFICIALS EXCUSED: Toby Wright
- CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder and Craig Hall, City Attorney
- OTHERS PRESENT: Stuart Grover, Dean Stokes, Bill Dolling, Boyd Montgomery, Nelson Phillips, and Richard Eskelsen

**ITEM 1: CALL TO ORDER**

Mayor Cronin called the City Council meeting to order.

**A. INVOCATION**

Mayor Cronin offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

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

**C. REVIEW AND ADOPT THE AGENDA**

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

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

**Motion Approved.** 3 Yes, 0 No.

Mayor Cronin excused City Administrator Greg Westfall.

**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: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

**A. Public Hearing Regarding a Proposed Property Exchange Between Perry City and Dean Stokes**

Mayor Cronin explained this property is located by Hwy 89 and 2820, behind the Diversity Dance Studio. She stated the City has a retention pond and some surround property by this location and some of the surrounding property makes it difficult for Mr. Stokes to utilize his property. She said it has been suggested to do a property exchange, exchanging the same amount of properties between both parties. She stated doing this would allow the City to square up the area around the retention basin and Mr. Stokes has said he will allow the City to have an access easement. She clarified Dean Stokes is the applicant.

Dean Stokes noted his approval of this exchange and that he would maintain the easement.

**MOTION:** Council Member Tueller made a motion to open the Public Hearing. Council Member Taylor seconded the motion.

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

No Public comment received.

**MOTION:** Council Member Tueller made a motion to close the Public Hearing. Council Member Taylor seconded the motion.

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

## **B. Public Comment**

Richard Eskelsen said he lives at 265 South 100 West in Perry. He stated in 2015 Perry City maintained the road 100 West as a Class C road and he presented they received funds from the State of Utah. He subsequently was told by Perry Officials in 2015 100 West and 2100 South is a private road.

Mr. Eskelsen said he thought there was a mistake and called the City Manager regarding this, as he did not desire to be responsible for the maintenance of the 100 West road. He said he received a meeting with the Mayor, City Attorney, and City Manager regarding this issue. He stated this was the first notification he received that these were private roads.

Mr. Eskelsen said he requested a copy of the State code which allowed this to happen from the City. He said the City Attorney said he would provide this and the Mayor said she would mail this to him as soon as it came. He explained he has never received this copy of this document, however, he said Utah Code 27-12-89 states a highway shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years.

Mr. Eskelsen stated in 1974 two properties received building permits and the only route to Hwy 89 was on 100 West through 2100 South. He stated his property was one of those and he has lived at his residence since 1983. He said another building permit was approved in 1985, it was challenged in a court because 2100 South was a private road. He said this challenge failed and Perry approved this building permit. He said another building permit was approved along 300 West and has become land locked by the City declaring the two roads private (he said there is no access to this property without trespassing on the private roads). Mr. Eskelsen stated this clearly is against Perry City Ordinances. He said he is asking the City to restore the classification of Class C status and maintain these roads as they have been prior to 2016.

William Dolling said he lives at 289 South 100 West. He said 19 years ago he received a building permit from Perry City and that permit would not have been granted if 100 West had been classified as a private road. He said this road has been maintained by the City previously and if that road is marked as private, someone could post a no trespassing sign and he would not have access to his home.

Boyd Montgomery thanked the Council for allowing him to speak to the City Engineer today. He said he has contacted an engineering company in Brigham, and he will be submitting a report regarding the culvert. He said there is a tree on the west end of Dale young Park that either has a very low or broken limb which needs to be trimmed. He said it obstructs the view of the oncoming traffic. He said if anyone in the City has steel they need to get rid of, there is a dumpster behind his building they can dump it at. He asked to only have steel and no other material dumped.

#### **ITEM 4: ACTION ITEMS**

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

The Council and Staff clarified and reviewed the current warrants.

**MOTION:** Council Member Montgomery made a motion to approve the warrants. Council Member Lewis seconded the motion.

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

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

##### **B. MOTION TO APPROVE RESOLUTION 17-30 EXCHANGE BETWEEN PERRY CITY AND DEAN STOKES**

Mayor Cronin explained this resolution and how it is always better to do a land exchange with a resolution and not just a motion.

Council Member Taylor asked the City Attorney if there are any concerns regarding this exchange.

Craig Hall stated there will be quick claim deeds and he is not concerned with this exchange.

Mayor Cronin and the Council thanked Mr. Stokes for his willingness to allow a maintenance easement for the retention pond.

**MOTION:** Council Member Taylor made a motion to approve Resolution 17-30. Council Member Montgomery seconded the motion.

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

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

#### **ITEM 5: DISCUSSION ITEMS**

##### **A. BUDGET UPDATE**

Shanna Johnson reviewed the Budget Update for Fiscal Year 2018 as of August with the Council. She noted these numbers may change as the City is still in the process of their audit.

Council Member Taylor inquired when the numbers will be finalized.

Mrs. Johnson stated December 31<sup>st</sup> is the deadline set by the State, she hopes to have these final numbers before the Council sometime in December. She said she and the accountant are working hard to achieve this goal.

Mrs. Johnson and the Council then reviewed and discussed the Budget Update. (See attached Presentation)

## **ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS**

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

- **July 27, 2017 City Council Meeting Minutes**

**MOTION:** Council Member Montgomery made a motion to approve the July 27, 2017 City Council Meeting Minutes with the grammatical corrections. Council Member Taylor seconded the motion.

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

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

- **September 14, 2017 City Council Meeting Minutes**

Tabled.

### **B. MAYOR'S REPORT**

Mayor Cronin stated tonight they held another General Plan Update Meeting. She explained there are 10 members on that Committee. She said they reviewed the City's Transportation and Trail Plans.

Mayor Cronin said the City received a grant from the Wasatch Front Regional Council in the form of providing technical expertise during this process.

Mayor Cronin stated there is a Town Hall Meeting on October 5<sup>th</sup> at 7 pm regarding the protection of children on the internet and social media. She said it is an event for ages 18 and above.

Mayor Cronin said the City has received a grant to do Welcome Signs and she inquired if Council Member Lewis will assist with designing those. He affirmed he would.

Mayor Cronin stated that October 17<sup>th</sup> will be the Meet the Candidates Evening.

### **C. COUNCIL REPORTS**

Council Member Tueller stated that in Willard they have a trail which comes to Perry and stops. He stated one of their Council Members has approached him and stated that he has someone who would be willing to donate materials to extend this trail into Perry. He also inquired about looking at the zoning of the Highway and the restrictions which it currently creates.

### **D. STAFF COMMENTS**

Planning Commissioner Stuart Grover stated at the last Planning Commission Meeting the Conservation Subdivision Ordinance was passed for recommendation to the City Council. He explained he and Commissioner Blake Ostler are desiring to do a presentation to the City Council to explain this proposed ordinance.

