

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
April 27, 2023

7:05 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller (left at 7:42 PM), Council Member Dave Walker (arrived at 7:38 PM), Council Member Toby Wright, and Council Member Ashley Young.

OFFICIALS ABSENT: Council Member Blake Ostler

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Zach Allen, Public Works Director
Chris Crockett, City Attorney
Shanna Johnson, City Recorder
Scott Hancey, Chief of Police
Rick Mabrey, Detective
Jeremy Godfrey, Patrol Officer
Connor Curtis, Patrol Officer

OTHERS PRESENT: Laurel Holmgren, Isaac Brockbank, Maren Nelson, and Grace Ellis

ON-LINE: Nelson Phillips (BENJ), Melanie Barnhill, and Sam Nelson

ITEM 1: CALL TO ORDER

Mayor Jeppsen welcomed everyone and called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None

ITEM 3: ACTION ITEMS (Roll Call Vote)

A. Site Plan Application – Maverik located at 1674 W 1100 S, Parcel #03-236-0018, Applicant: Branch Nelson/Maverik Inc.

Mr. Barnhill said this request was for an expansion project at Point Perry. He explained that the main things the applicant were expanding on were adding additional fuel dispensers on the west side, rerouting the Dairy Queen drive through, and moving the truck parking. He touched on the storm water run-off and the landscaping requirement. He mentioned that originally the Planning Commission reviewed this site plan application but because Maverik Inc. did not provide enough detail they had to table it pending us receiving more information. To further explain he read from the city code that, "No area of the development shall be left un-improved or without development. All areas should be developed with buildings, hard surfacing, or landscaped. No area of the lot or parcel shall be arbitrarily excluded from the site plan to avoid development requirements" (15.18.050 Design Standards). He pointed out areas on the lot that might be in question according to this code. He acknowledged that Maverik Inc. submitted an updated site plan that addressed

some of the concerns the Planning Commission voiced. He noted that the city engineer, Brett Jones, reviewed this updated paperwork and asked questions about the ground water tests but presently had not received any answers from the applicant. He said however, Planning Commission recommended approval of the updated paperwork with the condition that they met our city engineers' requirements.

Mayor Jeppsen asked for clarification of the blue area on this site plan map. Mr. Barnhill responded that it will be their storm water pond and they will plant a seed mix revegetation. Council Member Wright questioned if Maverik Inc. did the detention basin, why it would not pass. Mr. Barnhill said that the engineer questioned their calculations with the numbers they showed. Mayor Jeppsen said he was aware there was a potential problem with the storm and ground water in that area and he feels it would be important that it gets addressed. There were concerns with the water in the detention or retention pond being discharged into the bird refuge and if the existing canal in the area was a functioning waterway.

Mayor asked the council if there was objections to table this until Maverik Inc. was able to address the questions and concerns the city engineer has on the detention pond. There was not any objections from the council.

Motion Tabled

B. Site Plan Application – Perry/Brigham Ford located at approximately 988 W 1100 S, Parcel #s 03-154-0132; 03-154-0077, Applicant: Zach Swenson

Mr. Barnhill presented to the council the proposed car dealership site plan application. He said the total property was 6.4 acres with the bulk of it in Brigham City and 1.3 acres in Perry City which about half of that will be roads. He said the applicant was still working out additional details because their utilities will be provided by Brigham City which has many rules and regulations. After getting approval from Brigham and Perry cities the application will meet with the Joint Advisory Board to also receive their approval. He said the Planning Commission recommended passing this application as long as the applicant meets Brigham City standards and since the building and utilities are in Brigham City boundaries. He advised that after this site plan approval the applicant will need to return to us with a subdivision plat application to dedicate the road right-of-way to Perry City.

Council Member Wright asked about the retention pond and storm water run-off. Mr. Barnhill responded that Brigham City will be handling all the utilities. Mayor Jeppsen asked if there will be improved utilities in the Perry City portion of the road. Mr. Barnhill said that there will not be a need for utilities under that road since it the utility is in Brigham City. He said as 1200 west gets developed the utilities for that area will be put under that road. He mentioned that this area was under the same agreement as Walmart, where a small percent of sales tax will be shared with Perry City.

MOTION: Council Member Wright made a motion to approve Site Plan Application for parcel numbers 03-154-0132; 03-154-0077 with stipulations that the applicant follows Brigham City standards. Council Member Young second the motion.

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

Council Member Ostler, Absent
Council Member Walker, Absent
Council Member Young, Yes

Motion Approved. 3 Yes, 0 No

C. Resolution 2023-09 Awarding a Contract for Solid Waste Disposal

Mr. Barnhill explained that we had been negotiating a garbage contract with Republic Services and that we recently received and reviewed the agreement from them. He said Mr. Morris approved the updated changes and used the agreement RFP as a reference exhibit. The changes were to clarify that the city dumpsters will be covered without additional charges to the city and that they added two sections for when a garbage can was over flowing or filled with material they cannot accept. He noted that the pricing in this agreement was based on their proposal and not negotiable. He said this five-year contract was set up that Perry City will own the garbage cans and pay the tipping fee directly to Box Elder County Landfill.

MOTION: Council Member Wright made a motion to approve Resolution 2023-09 Awarding a Contract for Solid Waste Disposal pending legal review and approval. Council Member Young second the motion.

ROLL CALL: Council Member Tueller, Yes
Council Member Wright, Yes
Council Member Ostler, Absent
Council Member Walker, Absent
Council Member Young, Yes

Motion Approved. 3 Yes, 0 No

D. Resolution 2023-10 Authorizing an Amended Prosecution Legal Services Contract

Mayor Jeppsen said that Mr. Blair Wardle addressed and complied with everything Council Member Ostler questioned about the original contract. The changes are presented in this updated contract.

MOTION: Council Member Wright made a motion to approve Resolution 2023-10 Amended Prosecution Legal Services Contract. Council Member Young second the motion.

ROLL CALL: Council Member Tueller, Yes
Council Member Wright, Yes
Council Member Ostler, Absent
Council Member Walker, Absent
Council Member Young, Yes

Motion Approved. 3 Yes, 0 No

E. Resolution 2023-12 Boundary Adjustment with Brigham City

Mr. Barnhill said this was the proposed boundary adjustment between Perry and Brigham City. He said the area was behind the technical college between Highway 89 and 1175 South Road. The area was fairly squared off but several properties in this area were split between the Perry and Brigham

cities boundary. He explained that the owner of the old gas station along Highway 89, which was one of these properties, wanted to remodel their lot. This owner had issues as he tried to work between Perry and Brigham City on his plans. This highlighted the need for a city boundary change of these established lots. He said after great discussions Brigham City leadership said because the majority of the utilities come from Perry City it made sense for Perry City to have these properties within their boundary. He said this resolution was to adjust the boundary and the first step in the process. Then the next step will be to notify the residents and have a public hearing. And after the public hearing both Perry and Brigham City would need to pass their own ordinance and submit it to Utah State and the Lt. Governor's Office.

They discussed the property lines and that this development will not add revenue to the city since the most of the property was state and church owned lots.

MOTION: Council Member Wright made a motion to pass Resolution 2023-12 Boundary Adjustment with Brigham City. Council Member Walker second the motion.

ROLL CALL: Council Member Tueller, Absent
Council Member Wright, Yes
Council Member Ostler, Absent
Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 3 Yes, 0 No

F. Ordinance 23-D Utility Application & Fees

Mr. Barnhill explained this proposed code amendment started because we needed to update and create our utility application on-line. He said they found the language of the application was adopted by code and they needed to remove this language so they may make adjustments on this application. He said initially the idea was to collect a utility deposit, track it, and return the majority of the deposit. This ordinance will give a new approach by being stricter on late fees, not let large utility amounts accrue, and to send a shut-off notice quicker. He said our history shows that the \$200 deposit has not been used enough to justify the deposit. He noted that they removed the deposit requirement, added a \$50 application fee to cover administration fees, updated a few other fees, and change the language to match the current city code requirements.

Ms. Johnson asked if this ordinance needed a public hearing and Mr. Crockett said they should follow the regular ordinance change process. Council Member Young asked what the current late fee was compared to this updated fee schedule. They discussed the fee charges and if they will work for the city in the long term.

MOTION: Council Member Wright made a motion to approve Ordinance 23-D Utility Application & Fees. Council Member Young second the motion.

ROLL CALL: Council Member Tueller, Absent
Council Member Wright, Yes
Council Member Ostler, Absent

Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 3 Yes, 0 No

ITEM 4: DISCUSSION ITEMS

A. FY2023 Budget Update

Ms. Johnson said she prepared a budget update for the public and the council members (see attached presentation). She mentioned that the report was as of March 2023, which was 75 percent of the budget year. In a budget overview she presented the different fund amounts and trending information. Some of her highlights were that revenue looked good, the utility fund operation was trending well, and the interest Public Treasurer's Investment Fund (PTIF) accounts has increased and that this impacts the trends for the end of the fiscal year. She mentioned that some of the accounts were down and will change in the next few months, but overall things looked good. She pointed out that because of unexpected inspection fees they might want to keep an eye on the community development budget. She remarked that most of the funds came in under budget and were trending well but there was an exception in the water account. She explained along with unforeseen water leaks the main cause of being over budget was water leaks and that many water meters were reaching their fifteen-year lifespan and needed to be repaired or replaced. She then showed the yearly comparisons on the sales and mass transit taxes. For more detail information the council may refer to the budget updated spreadsheet that she sent in an e-mail to them.

Mayor Jeppsen asked if a donation for the senior center would come from the community development account and Ms. Johnson responded that it would.

Ms. Johnson commented about a concern to increase sewer utility fees because of the cost to operate or repair the wastewater treatment plant. She mentioned that many of the expenses will be capital improvements and will not affect our debt coverage ratio, therefore a rate increase will not be needed. She pointed out that next year they might need to implement an automatic yearly rate increase.

Council Member Walker suggested that if any accounts had excess funds that they be reallocated to help Anderson Park. Ms. Johnson said there are already plans to reallocate funds for improvements to the building and yard and that Public Works Director, Zach Allen, will address in his budget presentation.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- April 13, 2023 City Council Meeting Minutes

Ms. Johnson said at this time the meeting minutes were not ready. Mayor tabled the approval of consent items.

Motion Tabled

B. Mayor's Reports

Mayor Jeppsen reported that staff had their employee excellence luncheon and handed out awards. He said Mr. Barnhill received his five-year service award and that Destry Roskelley received an

employee excellence award. He remarked that Box Elder County has used their own ARPA funds to assist the Senior Centers Meals-on-Wheels program. Since they used this money, the county asked the city's to give them the number of citizens requesting this service. The county feels that Perry City may need to give additional contributions in the future to help with this program. He then gave an update on the Fire and EMT study analysis that they recently did an RFP (bid) on. He said at the Mayor Association meeting he attended the County Commissioner said he will propose to the county for them to use their ARPA funds to pay for this study instead of having the city pay. He explained he noticed an article in the newspaper that reported the county agreed to pay for this study and Perry City will not need to pay their portion of it. He noted the study will take about one year to complete.

C. Council Reports

Council Member Walker commented that some of the members were able to attend the Utah League of Cities and Towns (ULCT) conference and that he learned a lot. He said he appreciated the city supporting them so they may attend these types of trainings and conferences. He noted that the Service Day had changed and will be on June 3 at 9:00 a.m. He explained that the focus will be on the improvement at Perry Park and to reclaim more of the nature trail at Dale Young Park. He said people can sign up at Justserve.org. He also noted that there will be a meeting at Mountain View Park on May 6 at 12:00 p.m. for anyone interested in discussing ideas for the mountain bike trails there.

Council Member Wright echoed the thanks for the ULCT meeting because he received good information and learned some new changes in state laws. Mayor Jeppsen commented that at the conference he attended an Emergency Management Training session and mentioned that they will meet to discuss this in the next few months. He said Willard and Perry cities received complements that they had made great efforts on flood control since the 1983 flood year. He explained that the Flood Board was expecting things to look good with water levels for the next 3-4 weeks and that our Public Works Department was doing daily inspections for flooding water.

D. Staff Comments

Chief Hancey said the Police Department was getting busy because it was that time of the year.

Mr. Barnhill welcomed the visiting public and thanked them for coming to the meeting. He reported that city hall remodel was underway and making good progress. He said the playground at Mountain View Park was looking good and will be done by the end of June.

Ms. Johnson mentioned that Municipal Clerk's week will be April 30 through May 16 and asked the council to thank the city clerks and their leaders.

Zach Allen said the Public Works Department had many projects that they were starting. He expressed his gratitude for the support everyone had given to make them successful. He thanked his crew who worked hard and stayed late to finish the recent water leaks throughout the city. He said now that the weather is getting warmer they will be out working to make improvements in the city that we (the citizens) all want to see.

Mayor Jeppsen acknowledged and expressed his appreciation for Zach's willingness to step in as an interim Emergency Manager for the city.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

None needed.

ITEM 7: ADJOURNMENT

MOTION: Council Member Walker proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:25 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder