

PERRY CITY COUNCIL  
MEETING PERRY CITY OFFICES  
December 8, 2022

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Blake Ostler, Council Member Dave Walker, Council Member Toby Wright, and Council Member Ashley Young.

OFFICIALS ABSENT:

CITY STAFF PRESENT: Robert Barnhill, City Administrator  
Zach Allen, Public Works Director  
Scott Hancey, Chief of Police (On-line)  
Bill Morris, City Attorney  
Shanna Johnson, City Recorder

OTHERS PRESENT: Misty Moesser, Nelson Phillips (BENJ), Brinton Neff, Melanie Barnhill

ON-LINE: Spencer Frandsen

**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

**B. Appointments**

• **Wastewater Treatment Board Member**

Mayor Jeppsen presented the appointment of our new Public Works Director, Zach Allen as a Board Member on the Sewer Board. He publically thanked the previous member Tyler Wagstaff and then thanked Zach Allen for accepting the appointment.

• **Approval of Planning Commission Chair & Vice Chair**

Mayor Jeppsen announced there were a few changes in the Planning Commission. He stated the changes and presented the appointments Marcus Wager as Chairperson Stephen Moss as Vice Chairperson. He thanked the previous chairpersons and then thanked the new chairpersons for their service.

• **First Responders – Chief & Officers**

Mayor Jeppsen named the proposed appointments of First Responders Chief and Officers as the following:

Chief

Monica Taylor

(has served 11 years)

Assistant Chief	Brian Moser	(has served 11 years)
Medical Officer	Cami Brewer	(has served for 6 years)
Treasurer	Destry Roskelley	(has served for 3 years)
Secretary	Misty Moesser	(has served for 4 years)

- **Mosquito Abatement**

Mayor Jeppsen said Cory Bennion, a resident of Perry City, serves on the Mosquito Abatement Board and he proposed that Mr. Bennion be reappointed to the board.

**MOTION:** Council Member Walker made a motion to approve the appointments as presented. Council Member Young seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

### **ITEM 3: ACTION ITEMS (Roll Call Vote)**

#### **A. Approval of Conservation Subdivision for West Meadow Estates**

Mr. Barnhill said they have already had a work session about West Meadow Estates preliminary application and since it is a Conservation Subdivision application, the City Council needs to approve it. He explained that the property was located west of Dale Young Park and was planned for 87 single family homes with 8 townhomes. Originally, the applicant was granted a zone change from agricultural to R1/3 zoning. The applicant wanted more density so in order to get it he submitted a Conservation Subdivision Application that showed a five acre open space area in the plan. Mr. Barnhill pointed out that the Conservation Subdivision code does allow for a fee in lieu of waiver as an option for the open space area if there is a park nearby. He also pointed out the size of the lots on the plan and that some met the R1/3 zoning requirement while others did not but, they met the Conservation Subdivision lot size requirements.

He said the Planning Commission recommended exercising the fee in lieu waiver provision of the code. This waives the requirement for the open space to be onsite for comparable offsite compensation. He mentioned they worked together with the City Engineer to get an appraisal of the property for a fair compensation amount. He said at that time the five acres were roughly valued at \$275,000 but the market has since gone down. He mentioned the applicant initially proposed the amount of \$1,000 per lot for an \$87,000 total. After some discussion the Planning Commission recommended \$200,000 for an agreeable amount as a viable compensation of the waived five acres open space requirement. In addition, they also requested the money be used only for Dale Young Park. The applicant has the development planned in four phases so the Planning Commission suggested that a \$50,000 payment be due before conditional acceptance will be given for each subdivision phase for the total of \$200,000.

Mr. Barnhill said that the city engineer spoke to him about minor arterials roads like 1200 West and said that the typical intersection spacing should be 300 to 500 feet. He said because of this there

will be a few adjustments or street changes that will need to be done. They discussed what changes might need to be made to meet compliance and what the subdivision might look like after the adjustments were made. Council Member Tueller asked for the widths of the roads and Mr. Barnhill said it was our standard width of 65 foot right of way, 5 foot sidewalks, 6 foot park strip, and 32 feet of asphalt. Council Member Tueller asked about the option for skinnier residential roads. Mr. Barnhill said the city does have creative options for narrower roads in certain areas.

Council Member Wright asked to view the lot sizes again. Mr. Barnhill showed the map and said for a Conservation Subdivision the applicant has exceeded the minimum lot size. Council Member Wright asked how this Conservation Subdivision approval will work. Mr. Barnhill said City Council should state what they want done in their motion. Council Member Tueller and Walker stated that they want to be involved with the final approval of the subdivision. Council Member Wright commented that there are a lot of design changes that need to be done. Council Member Walker said it would be unwise for the city to set the precedence to allow exceptions on the standard, we should maintain the standard. Council Member Wright asked if the water issue from the wetland (open space) area are not a problem anymore. Mr. Barnhill said the developer has options to work with the wetland space (issue).

Council Member Walker asked Mr. Barnhill to explain the Conservation Subdivision process going forward. Mr. Barnhill explained the process, who was involved, and the options the builder or city has throughout the several phases. Council Member Ostler asked several questions on timing and Mr. Barnhill responded to his inquiries. Several Council Members commented that they felt a reasonable approach to work through this Conservation Subdivision process had been made. Council Member Walker asked to review the wording of the waiver on the tradeoff of open space from the Municipal Code and Mr. Barnhill read code 15.07.130.07 (Waiver) from the Conservation Subdivisions Code. Council Member Walker then shared his thoughts and said this meets the waiver and he can see how the option of money available to improve Dale Young Park and the trail ways may benefit the city. However, he stated he was disappointed with the developer not being very creative or forward thinking on what could have been done with the property. Council Member Young said like Council Member Walker she is going back and forth but feels the waiver will benefit the residents.

**MOTION:** Council Member Tueller made a motion to approve Conservation Subdivision for West Meadow Estates as outlined by the Planning Commission, with modifications as follows:

- That the developer work with an engineer and the city to create the spacing needed for the intersections to meet our street standards;
- That the subdivision comes back to City Council for the final approval; and
- Noted by approval of this motion the council acknowledges that the waiver requirements in the code have been met.

Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Young, Yes  
Council Member Walker, No  
Council Member Ostler, Yes  
Council Member Wright, Yes  
Council Member Tueller, Yes

**Motion Approved. 4 Yes, 1 No**

**B. Resolution 2022-20 Adopting a Moderate Income Housing Report**

Mr. Barnhill explained that with the recent economic situation of housing the state passed certain requirements to strongly encourage cities to provide more affordable housing. He said the state bill has also gone through a few changes over the past years and in order to comply, the city needs to formally adopt an annual report to detail our strategies to create moderate income housing within our city limits and update it every year. Council Member Walker commented that the city should have mentioned in the report the water improvements we've made are part of creating affordable housing.

**MOTION:** Council Member Wright made a motion approve Resolution 2022-20 Adopting the Moderate Income Housing Report. Council Member Young seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

**C. Resolution 2022-21 Entering into an Interlocal Agreement for Cellebrite Services**

Chief Hancey explained this resolution. He said anytime the police take a cell phone as evidence from someone they send it to a crime lab to have the data extracted. He mentioned that in the past they have relied on other facilities to have the cell phones processed but now they need to have their own resource. He said this interlocal agreement was between Perry City and various participating agencies in Box Elder County. With this agreement the expenses of this process will be spread between the participating agencies.

Council Member Walker confirmed that the Box Elder County Attorney office is the administrator of this agreement and Mr. Morris responded that was correct. Council Member Wright asked if Perry City would have the right to vote with this agreement. Chief Hancey answered that they are creating an advisory board to be the administrators and he wasn't sure what they would need to vote on. He also noted that if with a six-month notice the city may pull out of this agreement.

**MOTION:** Council Member Walker made a motion to approve Resolution 2022-21 Entering into an Interlocal Agreement for Cellebrite Services. Council Member Wright seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

**D. Resolution 2022-22 Amending City Paid Holidays in the Personnel Policy**

Ms. Johnson said that last summer she informed the council that the Utah State and Federal Governments approved Juneteenth as a holiday. At that time, the council agreed that the city employees could use one of the two floating days as the Juneteenth holiday and suggested she survey the employees to see if this is what they would like to do. She said she sent a survey to the employees and 54% wanted Juneteenth set as regular annual holiday. She explained that this resolution to add Juneteenth as a holiday updates the personnel policy. She said there would be twelve paid holidays (eleven set days and one floating day) and this resolution was brought before the council to make it official and updated the personnel policy if approved.

**MOTION:** Council Member Walker made a motion to approve Resolution 2022-22 Amending City Paid Holidays (to include Juneteenth as one of 11 set floating holidays) in the Personnel Policy with the modification that the resolution and policy change take effective January 2023. Council Member Young seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

**E. Resolution 2022-23 Authorizing an Agreement with TextMyGov for Text Messaging Services**

Ms. Johnson said she previously brought this texting plan for the city to the council but was tasked with researching other options and/or providers. She commented that the council approved \$3,500 in the budget for this type of service. She reported that she had reached out to the Municipal Clerk's group and was given information on a few different text service companies. One company used by two local cities was, Podium, but it was more expensive at \$4,800 - \$6,000 per year. Ms. Johnson explained that another thing she was tasked to do was to ask the TextMyGov for a one-year contract instead of a two-year contract. She said TextMyGov did change to allow the one-year contract with the option to cancel the second year with written notification sixty-days prior to the renewal date. They also waived the implementation and setup fee. She explained what services TextMyGov offers for \$3,500 per year.

- 25,000 text messages per year
- Unlimited departments and users (She gave a pothole text as an example and said this option will auto respond to certain key words and create a type of work order from citizens text messages we receive.)
- The citizens are put in zones so text messages may be sent to specific areas of the city (regarding road closures, water outages, etc.)
- She said it's a good communication tool for the city

She introduced, Spencer Frandsen from TextMyGov and said he was available for questions. She mentioned that she did look at the text options from Google but it was more of a private party option for android phones, noting that was all the options she could find. She said that TextMyGov was the best option.

Mayor Jeppsen asked if the zones were dynamic or could be changed to be what the city needed them to be. Ms. Johnson responded that we can select areas as needed. She said when she attended their presentation she was impressed with the service and what they provided. Council Member Young asked what happens if the city exceeds the 25,000 text messages per year. Ms. Johnson responded that they felt for a city our size we shouldn't exceed that amount but TextMyGov offers options to purchase additional text messages. She also pointed out that by using this company we will be able to pull and retain the administrative correspondence reports that are required by the state. Mr. Frandsen commented that any unused text messages rollover each year. Council Member Wright asked about data usage if a citizen sent a lot of pictures and Mr. Frandsen responded that included in our plan was ten gigabytes of on-line storage for pictures. He said the city may choose to keep the pictures and if needed for more space TextMyGov can send the city the picture data in a consumable file and then purge the file. Council Member Ostler asked if a widget with added security levels may be added to the city's home page. Ms. Johnson said she left a message about this concern with the city's IT Specialist but hasn't heard back from him. She said she also has reached out to the web developer for this same request for a widget on the city website. Mr. Frandsen said there shouldn't be a problem with the widget feature but if needed and link can be added. They continued reviewing the agreement and the features TextMyGov provides.

**MOTION:** Council Member Wright made a motion approve Resolution 2022-23 Authorizing an Agreement with TextMyGov for Text Messaging Services. Council Member Walker seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

**F. Resolution 2022-24 Appointing CivclinQ to Provide Codification and Revisions Services for the Perry Municipal Code**

Mr. Barnhill explained that the Municipal Code system, Municode, we use to self-publish codes for the city has a few unresolved issues with it and its usability. He said recently he was given the name of a company that offered the same self-publishing feature. When he did a demo with this company, CivclinQ, he found their costs about half of our current provider. In addition, he did more research about CivclinQ and found positive references from other cities that have used them as their Municipal Code provider. To make it official he said he wanted to propose CivclinQ as the city code provider. Mr. Morris explained that this resolution is to appoint CivclinQ as the Municipal Code provider for Perry City. Mr. Morris said the next step would be for CivclinQ to present a print out of the codes that are set-up on their platform so they may be approved, recorded, and filed. They continued reviewing the resolution and clarified any concerns the council had with it. In addition,

Mr. Barnhill and Ms. Johnson highlighted some of the features CiviclinQ offered that improved the code drafting process.

- A. **MOTION:** Council Member Walker made a motion approve Resolution 2022-24 Appointing CiviclinQ to Provide Codification and Revisions Services for the Perry Municipal Code. Council Member Tueller seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

#### **ITEM 4: DISCUSSION ITEMS:**

##### **A. Annual Holiday Dinner Reminder**

Ms. Johnson gave a reminder that on December 15 at 6:00 p. m. will be the Perry City Holiday Dinner at Eagle Gate (referring to Eagle Mountain) Clubhouse and will be hosted by Iron Gate Grill.

##### **B. City Council Retreat**

Ms. Johnson said she wanted the council to think about and let her know what day in January or February they want to hold their city council retreat. She mentioned that last year February 5, was the retreat date. Council Member Walker asked if she wanted his available dates emailed to her. She said that would be fine and expounded that last year it was on a Saturday morning.

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

##### **A. Approval of Consent Items**

- October 27, 2022 City Council Meeting Minutes
- November 10, 2022 City Council Meeting Minutes
- 2023 Perry City Meeting Schedule
- 2022 Fraud Risk Assessment
- Impact Fee Plan for Fiscal Years 2023-2027

**MOTION:** Council Member Wright made a motion to approve consent items. Council Member Tueller seconded the motion.

**Motion Approved. All Council Members were in favor.**

##### **A. Mayor's Reports**

Mayor Jeppsen said he has received a couple of renditions for the new City Hall. He also said that they have been meeting with the city engineer and architect and are close to sending the remodel out for bid. Mr. Barnhill showed the council the renditions for the remodel, which demonstrated what the Administration offices, and conference room would look like. They discussed the

renditions and gave their thoughts about the designs. Mr. Barnhill said he had detailed plans and if they want to see them, they may come to his office during the week.

### **B. Council Reports**

Council Member Walker said he received a letter from Tiberius Putnam, a resident who attends Box Elder High School and was concerned with the narrow section on 1200 West and wondered if the city was taking action to widen the road. He responded to Mr. Putnam and told him the city was also very concerned about that area. He said the city had received grants to make road improvements that included a connecting trail way. He explained to Mr. Putnam the grant process and how these funds will be used. He said Mr. Putnam was please the city was forward thinking on this project. He gave kudos to Mr. Putnam for being a good citizen.

Council Member Young reported that the Youth Council visited the nursing home and had a really neat experience. She said she hopes next year they can make it bigger and do more.

Council Member Wright, Council Member Tueller, and Council Member Ostler all said they didn't have anything to report.

### **C. Staff Comments**

Mr. Barnhill and Ms. Johnson said they didn't have anything to report.

Mr. Allen said he was glad to be with Perry City and that Public Works Department was moving in a good direction. He said they have a lot of fun plans.

Chief Hancey from the Police Department said he didn't have anything to report.

### **Planning Commission Report**

None.

### **ITEM 6: ADJOURNMENT**

**MOTION:** Council Member Wright proposed to adjourn the meeting.

**Motion Approved. All Council Members were in favor.**

The meeting adjourned at 8:45 p.m.

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Shanna Johnson, City Recorder

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Kevin Jeppsen, Mayor

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Anita Nicholas, Deputy Recorder