

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
DECEMBER 9, 2021

7:35 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Toby Wright, Council Member Blake Ostler, Council Member Watkins and Council Member Esther Montgomery.

OFFICIALS ABSENT: None

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Shanna Johnson, City Recorder
William Morris, City Attorney
Scott Hancey, Chief of Police
Tyler Wagstaff, Public Works Director

OTHERS PRESENT: Ryan Montgomery, Sam Montgomery, Kyle Pusateri, Doug Callahan, Nicole Watkins, Aaron Watkins, Marv Neff

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the electronic City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None.

ITEM 3: PRESENTATION

A. Recognition of Exiting Council Members Esther Montgomery & Andrew Watkins

Mayor Jeppsen thanked Council Member Montgomery and Council Member Watkins for the great service they have given to the city and residents of Perry.

Shanna Johnson did a slide presentation on each of the Council Members and discussed the highlights and work they put in through their time of service.

B. Presentation of Walmart Grant Awarded to Perry City

Chief Scott Hancey introduced Kyle Pusateri and Doug Callahan from Walmart. He explained that recently there have been some close calls where officers were almost hit while dealing with crashes on Highway 89 and I-15. Walmart has generously donated some money for the police department to put better lighting on the patrol vehicles.

ITEM 4: ACTION ITEMS

A. Approval of the 2022 Perry City Meeting Schedule

MOTION: Council Member Wright made a motion to approve the 2022 Perry City Meeting Schedule. Council Member Montgomery seconded the motion.

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

Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

B. Approval of the Fiscal Year 2021-2022 Impact Fee Plan

Ms. Johnson explained that each year a plan needs to be approved (the plan can change) of how they will spend the amount of impact fees that are on hand (within the timeframe allowed). This is reviewed with the City Engineer, Public Works and the City Administrator and they decide when some of the projects they spend the money on will be tackled. They listed some of the projects they have in mind to complete within the fiscal year.

Council Member Ostler asked about the sewer fees and Ms. Johnson said all of those fees are tied to the plant. He also asked if we have a roads impact fee and Ms. Johnson explained that we do not. She explained that some cities do have that and the process that would need to take place for that.

Council Member Watkins asked about the environmental report on 1200 west. Mr. Barnhill said this is tied to the grant to build the trail on 1200 West (the north trail) and they are currently doing the environmental work for that.

MOTION: Council Member Watkins made a motion to approve the Fiscal Year 2021-2022 Impact Fee Plan. Council Member Wright seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

C. Approval of the 2021 Fraud Risk Assessment

Mayor Jeppsen discussed going through this fraud risk assessment last year for the first time. He said we are well within the norms at this point but that fraud is a big thing these days and we probably need to re-evaluate our IT situation and include that across the board.

Ms. Johnson said the state auditor's office requires us to look at our internal processes and decide if we have met the standards or not for fraud risk. The highest score you can receive is 395 and we scored 330. She further explained that there are two portions to it, the basic separation of duties and the checks and balances disseminated through the staff. She explained the items they did not say yes to and the mitigating efforts they put into those things. The first one was are all the people who collect cash different from those that can make adjustments to accounts. Ms. Johnson explained that sometimes the staff that is making adjustments also takes the cash but those adjustments are approved by the City Administrator, there is a second set of eyes looking at those adjustments and it is not something they can approve on their own. The second item was are there people who have access to blank checks different from the authorized signers. She explained that we have a two signature requirement to help mitigate that. The next item that no was answered to was if we have a credit card/purchasing card policy. Ms. Johnson said we have practices and protocol in place but not a written policy. The next item was if employees and elected officials are required to submit in writing to abide to ethical behavior. She said they do not make them sign anything, we take an oath of office as

well as ethics training but nothing has been required to be signed, which we can correct. The last item was if we promote a fraud hotline. Ms. Johnson said the state has a fraud hotline so we can fix that by putting up a poster with that information on it.

Ms. Johnson said that as part of the audit process, this must be presented to the Council and be approved.

MOTION: Council Member Tueller made a motion to approve the 2021 Fraud Risk Assessment. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

D. Ordinance 21-T Zone Change from AL to R1 located at approximately 2250 S 1200 W Parcel #03-157-0017 Applicant: Brinton Neff

Mr. Barnhill explained the zone change request in detail. The property is approximately 30 acres. He discussed the surrounding area and future land use map as well. Planning Commission held a public hearing with no comments. They did recommend approval of R1 to the City Council. Mr. Barnhill explained that one item to consider with these larger parcels would be, if they grant a less dense zone of ½ acre, it may encourage developers to pursue a conservation subdivision to get the density that they want.

Tyler Wagstaff reminded Mr. Barnhill that there was a public comment at the Planning Commission meeting about the irrigation ditch and what the plan would be regarding the irrigation. Mr. Barnhill said he remembered that now and explained that there is no plan currently but that waterways will need to be addressed and water will still be able to go from point A to point B.

Mayor Jeppsen asked where the source of the water is from. Mr. Wagstaff said it comes out of Dale Young Nature Park and is called Walker Springs. He said it is running along the south fence line. Council Member Wright asked if the original ditch has to stay there and Mr. Wagstaff said that is his understanding. Council Member Watkins asked if the trail would affect the development. Mr. Barnhill said that when they develop, they will have to improve the roads to the city standards and the trail would be included in that.

The Council discussed the size of lots different zones allow and the surrounding area. They discussed the R1 zone allowing quarter acre lots and if they want to allow that for the area across from the Dale Young Nature Park. Mr. Barnhill discussed the conservation subdivision option again and the zoning that would possibly encourage that.

Council Member Wright asked if they are not ok with R1 but would be ok with R1/2, could they grant that or would it need a new application. Mr. Barnhill said they would need to talk to the attorney regarding that. Bill Morris responded that this is a legislative function and the proper zone needs to be in the Ordinance at the time it is adopted. If they are unsure what that zone is going to be, they need to table it until they find out what zone is acceptable. Mr. Barnhill said it

is clear what the applicant requested but asked if they can grant them something they did not ask for. Mr. Morris said they can.

The Council discussed the conservation subdivision and what the applicant may want. Council Member Tueller added that the applicant may decide to just use bigger lots (if they grant R1/2) and not do the conservation subdivision (instead of looking at using the conservation subdivision to get the density from smaller lots). The Council discussed tabling the item and talking to the applicant to see if they are able to encourage him into doing the conservation subdivision.

MOTION: Council Member Montgomery made a motion to table Ordinance 21-T zone change from AL to R1. Council Member Wright seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

E. Resolution 2021-20 Approving a Real Estate Purchase Contract For a Portion of Parcel #30-155-0060

Mr. Barnhill explained the contract and discussed getting an updated one because the original one needed to be signed by yesterday. The updated one will have to be signed by next week. Council Member Ostler questioned if they need any language in the contract that discusses that they (the buyer) are going to get what they believe they are going to get (legal description). Mr. Barnhill said the buyer's side is comfortable with the language that says 'approximate'. Mr. Morris said if they want to do an addendum back to them, they can. Mayor Jeppsen added that all four sides are delineated already by other property owners and the roadway.

MOTION: Council Member Tueller made a motion to approve resolution 2021-20 approving a real estate purchase contract for a portion of parcel #30-155-0060 and what was stated as additions. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

F. Ordinance 21-V Animal Control Enforcement and Penalty

Mr. Morris explained that Chief Hancey contacted him about the legislature changing the maximum penalty you can impose on criminal charges related to pets (which is defined in state code as a dog or cat). It can only be an infraction instead of a misdemeanor on the first offense.

MOTION: Council Member Wright made a motion to approve Ordinance 21-V animal control enforcement and penalty. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

Bill Morris left the meeting at 8:39 p.m.

G. Resolution 2021-21 Acknowledging the Grant Proposal to Box Elder County for ARPA Funding

Mr. Barnhill explained that ARPA (America Rescue Plan Act) in response to Covid gave money to the City and said it can be used for water, sewer and broadband infrastructure. He said they have plans for what they would like to do with that money. They applied for more money from the State and failed at that attempt, but they found out the County has a certain amount of money they can give out to Box Elder County. This is acknowledging that Perry City is making a proposal to obtain ARPA funds from the County. Everything has to be turned in by the end of the year. They are looking at using the funds for development of the Nielsen well with a 2 million gallon storage tank. Brett Jones put together the proposal and \$1.8 million will be what it takes for the development of the well, they would ask for half of that from the County.

Council Member Ostler noted that on page 2 it has the wrong resolution number in the header. Mr. Barnhill said they will make that change on the typo.

MOTION: Council Member Tueller made a motion to approve resolution 2021-21 acknowledging the grant proposal to Box Elder County for ARPA funding. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 5: DISCUSSION ITEMS

A. Oath of Office Meeting: Tuesday, January 4th at 6:00 p.m., at Three Mile Creek Elementary

Ms. Johnson wanted to make everyone aware that we will be doing the oath of office on Tuesday January 4th at 6:00 p.m. at Three Mile Creek Elementary school to swear in Dave Walker, Ashley Young, and Mayor Jepps. Judge Christensen will be there and light refreshments will be served.

B. Council Retreat Planning

Ms. Johnson said that the council retreat has been held in January and February before and they need to think of when they will want to do the retreat. They discussed having a virtual option for the retreat as well.

ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- November 16, 2021 Board of Canvassers Meeting Minutes
- November 16, 2021 City Council Meeting Minutes

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

ROLL CALL: All in favor.

Motion Approved.

B. Mayor's Reports

Mayor Jeppsen said the Commissioners he spoke to from the County are enthused about the RDA and are glad something is starting to go on out there. They would like to get the road widened on the north end of Walmart parking lot. That will come into effect with the other intersection that is not being used.

C. Council Reports

Council Member Montgomery said it has been a pleasure to work with everyone. Mayor Jeppsen thanked her again for her service.

Council Member Ostler expressed his thanks to Council Member Montgomery and Council Member Watkins. He also expressed appreciation for the Holiday party.

Council Member Tueller expressed his appreciation as well

Council Member Wright said he appreciates Council Member Watkins and Council Member Montgomery and that it has been a pleasure working with them. He feels the community is better now than it was four years ago and that we have a lot to be thankful for.

Council Member Watkins said he is very blessed to be a part of a great community, staff, and council. He appreciates all the staff and is looking forward to the future. Mayor Jeppsen thanked him for his service as well.

D. Staff Comments

Chief Hancey said it has been great working with all of them and getting to know them better.

Mr. Barnhill talked about being involved with the state legislature and committee meetings. He said one thing to keep in mind if they have a rant they want to go on, is to check with the UCLT to see what they have planned already.

Mr. Wagstaff expressed his thanks to the exiting Council Members as well.

Ms. Johnson said she will miss them and to not be strangers.

E. Planning Commission Report

None.

ITEM 7: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to close the public meeting and open the executive session to discuss the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the

transaction of the best possible terms and a strategy session regarding pending, or reasonably imminent litigation at 8:53 p.m. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

MOTION: Council Member Tueller made a motion to close the executive session and go back into the regular meeting at 9:38 p.m. Council Member Wright seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 7: ADJOURNMENT

MOTION: Council Member Montgomery proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:40 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Tyra Bischoff, Deputy Recorder