

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
FEBRUARY 24, 2022

7:00 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 Dave Walker and Council Member Ashley Young.

OFFICIALS ABSENT: None

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Shanna Johnson, City Recorder
William Morris, City Attorney
Scott Hancey, Chief of Police
Connor Curtis, Police Officer

OTHERS PRESENT: Nelson Phillips, Shawn Wolfley, Josh Renhaar, Sarah Lynch

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None.

B. Appointment – City Treasurer Tyra Bischoff

Mayor Jeppsen presented the appointment of Tyra Bischoff as City Treasurer.

MOTION: Council Member Wright made a motion to accept the appointment of Tyra Bischoff as the Perry City Treasurer. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 3: ACTION ITEMS (Roll Call Vote)

A. Ordinance 22-B Zone Change from A to R1 at Approx. 1200 W 2250 S, Parcel #03-157-0142, Applicant: Shawn Wolfley

City Administrator Barnhill introduced the zone change for property at 1200 West 2250 South (see map). He explained that the property is about 24 acres in size with most of the property being zoned R1 and about three acres at the top being zoned Agricultural. The applicant has requested the portion zoned Agricultural be changed to R1 so the entire property would be the same zoning. The property is currently being used for agricultural purposes. The surrounding properties are being used as agricultural but going east there

are single family residences. The south and west are more of a zone mix such as the recent individual zone changes to R1/2, R1/3 and Agricultural Limited. Both 2950 S and 1200 W are significant collector streets for Perry City.

Mr. Barnhill noted that the future land use map shows this property to be residential and this request would be in line with this aspect of the General Plan. Noted was a recently adopted policy that states that the council members will not presently grant the R-1 zoning districts, so to encourage Conservation Subdivisions. The code does allow exceptions to that policy. The Planning Commission held a public hearing on this and a few members of the public attended. The attendees expressed their concerns not about the R1 zoning, but mostly about development in general. The public concerns included wet soil, ground water level, springs, wetlands, irrigation water, and potential hazards with the waterway that goes through the property. The applicant did respond in the meeting and said he'll be looking into all of those aspects of the property as he moves forward. The applicant also said the company he worked with on this property purchase receives federal funding which requires them to do additional studies beyond what is typically expected.

Mr. Barnhill advised that the Planning Commission recommended approval with a 3-0 vote. They felt this request warranted an exception from the newly adopted policy because the majority of the property is already zoned R-1. He explained this is a legislative item and the council members can take any opinion and information into account as they make their decision.

Council Member Ostler asked if the city that has checks for the water ways, or existing wetlands with wetland mitigation? Administrator Barnhill said the city requires that if there's any irrigation water or water that traverse the site that they maintain the water flow. As for the wetlands they have to delineate the wetland and determine if they impact them at all. That all is part of the review.

Council Member Wright asked if the agricultural area of the request impacts the water way issue. It was clarified that the 3 acre area was only to change the zoning and doesn't impact any water.

MOTION: Council Member Wright made a motion to approve ordinance 22-B the zone change from Agricultural to R1, Parcel #03-157-0142. Council Member Walker seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. Resolution 2022-01 Approving a Real Estate Purchase Contract to Purchase Property from Barnwood Properties, LP, Parcels: 03-157-0113 & 03-157-0041

City Administrator Barnhill explained the contract, which has been signed by the mayor and the selling party, is coming before the council for approval. The contract with Barnwood Properties, LP has a sale price of \$3.85 million (see contract).

Council Member Young asked if the contract shows everything (all furnishings) included in this purchase. City Administrator Barnhill answered that Maddox will go through and remove their belongings that are stored at the location and then the rest will belong to Perry City.

MOTION: Council Member Tueller made a motion to approve the Resolution 2022-01, a real estate purchase contract to purchase property from Barnwood Properties, LP. Council Member Wright seconded the motion.

DISCUSSION: Council Member Ostler asked if we have access to parking, cross street access, and boundary lines with the county. Mayor Jeppsen said we are still in the beginning phase, so there is still opportunity to investigate these concerns.

Nelson Phillips of Box Elder News and Journal entered a question on zoom chat asking where the money is coming from for this purchase. Mayor Jeppsen said he'd respond to the inquiry off line.

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

Motion Approved. 5 Yes, 0 No.

C. Resolution 2022-02 Approving a Residential Solid Waste Contract Amendment with Econo Waste

City Administrator Barnhill said similar to last year the Box Elder Landfill has raised their fees per ton for garbage delivery. He advised that Perry City's contract allows us to negotiate increases with Econo Waste if tipping fees and if gasoline goes higher. This year the fee for Perry City has gone up \$2.00 per ton, which equates to about \$0.20 per can. In addition, built into the contract is an automatic 2 percent annual increase. However the tipping fees and other changes need a new proposal by negotiation and contract amendment. That's why there is the resolution for contract amendment. At this time, Perry City is still able to cover the costs without increasing the resident's fees, but it will need to be addressed if amounts change again.

Council Member Walker asked for more information about the calculation or formula for the cost per can. How much per average weight is in a garbage can? He stated that the costs presented seemed too high. It was recommended to table the item so that the price per ton could be researched and clarified.

This resolution was tabled with no dissent.

D. Resolution 2022-03 Approving an Interlocal Agreement with Box Elder County and Perry City Flood Control and Drainage Special Service District Relating to Trailhead Improvements

City Administrator Barnhill explained that this resolution was step one to improve the trailhead at Perry Canyon. The pond is owned by the Perry City and Box Elder County Flood Control District. We need an agreement with the landowner to do any improvements in the area. He stated this agreement will address things such as what improvements will be done, who is responsible to install and maintain them, who is liable if there is a problem. It outlines what we can or cannot do, cost, improvements options, indemnification clauses, and how to terminate the agreement. He said this has already been presented to the Flood

Board and they reviewed it without any changes. Therefore, if city council approves this agreement we can put together some basic plans and apply to get grants funds to make these future improvements.

Council Member Walker questioned section 7a in the agreement, asking if we are also held liable for the property if the Water District causes damage to or creates a hazard on the property. City Attorney, William Morris, suggested that usually agreements include reciprocal indemnification, but that is not what is listed in this paperwork. He also noted that all of the city operations are covered under our insurance with the Utah Local Governments Trust.

Council Member Walker questioned the available parking and potential to expand the usable parking. City Administrator Barnhill said it could be proposed and approved.

Council Member Ostler questioned item 5 in the agreement regarding the termination notice period of 1-year; he said it seems long and suggested 60-90 days. He also suggested that they change the date on the signature page from 2021 to 2022. He then asked for a reminder of the details and selection of the governing body of the district. It was explain that it was the five member board appointed by Perry City.

MOTION: Council Member Walker made a motion to approve resolution 2022-03 approving an interlocal agreement with Box Elder County and Perry City Flood Control and Drainage Special Service District Relating to Trailhead Improvements, with the addition of a clause that makes it clear, there is a reciprocal indemnification. Council Member Wright seconded the motion if it includes changing the termination notice from 1 year to 90 days, and changes the (signature) date to 2022.

DISCUSSION: Mayor Jeppsen repeated the three changes: reciprocal indemnification, changing the date and changing the termination clause.

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

Motion Approved. 5 Yes, 0 No.

ITEM 4: DISCUSSION ITEM

A. Jolene Eddington's Retirement Party

Shanna invited everyone to the retirement potluck luncheon on Monday February 28, at noon. She noted that the city will provide the main course and Jolene will be recognized for years of work at Perry City. Shanna reported that Jolene started working for Perry City in 1987 and has worked here for 35 years. She started her job doing the minutes for planning commission, then took on other tasks such as filing, cleaning the building, and mailing utility bills. Each month she would stuff and lick each envelope for these bills. There were thousands of these envelopes, but in 2016, we started using a mailing service. Shanna noted that Jolene was appointed to Treasurer in 2006 and served until her retirement in 2022. She expressed that Jolene is known for taking care of everyone, she took care of getting our supplies, processing our payroll checks, and bringing us wonderful treats. We'll miss her a lot.

B. ULCT Mid-Year Conference

Shanna reported that the Utah League of City and Town is holding their mid-year conference on April 20-22, 2022 in St. George, Utah. It's a great opportunity for elected officials and city staff to get good information about governance and legislation. Also to get great tools and tips to help with their jobs. All elected officials and city staff are welcome to go. For elected officials it's paid by the city. Shanna offered to help with registration and the hotel reservation.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (Including Council Assignments)

No Council Action May be Taken if an Item is not specifically on the Agenda

A. Approval of Consent Items

- **January 27, 2022 Work Session Minutes**
- **February 5, 2022 City Council Retreat Minutes**

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

Motion Approved. All Council Members were in favor.

B. Mayor's Report

Mayor Jeppsen report on the REPC (real estate purchase contract) of the Lodge to be used as the city building. Mayor Jeppsen wanted to clarify his response to the Box Elder News journal about the real estate purchase. He and the council has researched and found that if we use this resource already built in the city to its full potential it would save the city a considerable amount of money (speaking of the purchase of the lodge compared to building a new city hall). They have also identified a number of ways for financing. In addition, they have hired a financial consultant that will review details with them next week.

C. Council Reports

Council Member Tueller discussed the projected wastewater treatment plant equipment costs and budget for Fiscal Year 2023. He said the wastewater treatment board had been going through the budget and the bylaws state they need to have a budget passed through the board by the end of next month. He explained that during Covid they cut back expenses by about 30 percent. But there were major purchases last year of which some were in the budget and others unexpected. For example, a huge set of chains used for agitation in the sewer plant. The original bid for this chain was \$40-50K, but when purchased six months later it was \$20K more. Council Member Tueller continued to explain that an unexpected cost for a valve that broke cost \$12K. He noted that the sewer plant was built in 2008 and is beginning to need repairs. They have previously cut back, but are asking for more money in the budget this coming year to replenish stocked parts that have been used but not available to order in prior years. The bid for the parts needed to restock the shelves came in at \$143K, but they are asking for \$165K in the Fiscal Year 2023 budget.

City Administrator Barnhill pointed out that the costs on the sewer plant are split. It was noted that Perry City was responsible for 66 percent and the neighboring community was responsible for 34 percent. It is based off of the percent of ownership, but Perry City handles all the operations and then they are reimbursed.

Council Member Walker asked for any information on work done in the past regarding a safe cross of the highway. Namely studies done, contact people, reports filed, and feedback from

UDOT. He stated he campaigned on getting this improvement and wants to have this information to work on it.

D. Staff Comments

None

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

None.

ITEM 7: ADJOURNMENT

MOTION: Council Member Wright made a motion to adjourn.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 7:58 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Tyra Bischoff, Deputy Recorder