

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
JANUARY 27, 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
Jeremy Godfrey, Police Officer

OTHERS PRESENT: Michael Harper, Nelson Phillips, Barney Olsen, Julie Jones, Melanie Barnhill

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.

B. Appointment to the Flood Control Board

Mayor Jeppsen proposed appointing Michael R Harper to the Perry City/Box Elder County Flood Control Board. Council Member Tueller said that he highly recommends Michael Harper and feels he would be a great asset to the board and what they are appointing him to do. Council Member Ostler asked if this was filling a vacancy and Mayor Jeppsen said that it was. He added that this would bring them up to a quorum and that they could actually use a couple more members.

MOTION: Council Member Tueller made a motion to accept the appointment of Michael Harper to the Flood Control Board. Council Member Wright 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: PRESENTATION

A. State of the City

Mayor Jeppsen presented the State of the City. See slides.

B. Law Enforcement Update

Chief Scott Hancey presented a law enforcement update. See slides.

Mayor Jeppsen thanked Chief Hancey and the entire police force for their efforts in keeping Perry City safe. He also thanked the entire staff and council for all that they do and said it is because of their efforts that the city is in a good position at this time.

ITEM 4: PUBLIC HEARING (No Vote Needed)

A. Public Hearing Regarding Ordinance 22-A Fee Schedule Amendments

Robert Barnhill discussed the fee schedule amendment (related to the police department). The title proposed amending any fees related to annual registrations (for sex offenders) giving the option to charge \$25.00 for any registrations for the department of corrections. We have been handling these registrations but did not have anything in the fee schedule to charge them. Chief Hancey added that there are about 8 individuals (sex offender registrations) that they register each year, which is not a lot but it does take time. Council Member Walker asked if we don't charge them, if the City has to pay that fee. Mayor Jeppsen said that the City just absorbs the cost.

Mayor Jeppsen opened the public hearing for comment.

No comments.

Mayor Jeppsen closed the public hearing.

ITEM 5: ACTION ITEM (Roll Call Vote)

A. Ordinance 21-R Amending the Density Map and Associated Regulations

Mr. Barnhill said that amending the density map was discussed at the last meeting. It seemed that the group was more or less in consensus with limiting multi-family structures to four-plexes as the largest. He said the discussion at the last meeting was left at if they want to prorate the multi-family with single family when they get outside of their initial district allotment or if they want to adopt any of the other suggested provisions. He said that there were a couple of them that reached out with some thoughts and suggestions since the last meeting. There was no clear direction as to what the council wanted to do, so he has not changed any of the proposed language.

Council Member Walker said he feels that it is inappropriate for the Council to direct where the multi-family housing are placed (in the first provision). Council Member Wright agreed. Council Member Ostler said that if they can identify issues (if there are any) to be remedied or mitigated, he doesn't mind doing that. However, he would prefer explicit standards or principles that would guide someone on how they locate multi-family dwellings. He does not think the city should have full discretion and is not comfortable with the language in the provision as it is. Council Member Tueller added that the less regulation is the better.

On the next proposed provision, Council Member Walker questioned what the impact would be with this. He feels the principle behind it is good (to spread things out or to get more of a mix) but he is not sure what the right ratio should be. Council Member Ostler said he is also ok with a ratio or proration (although he is also unsure of what that number should be). He added that the first and second sentences are confusing. Mr. Barnhill explained the intent is that if someone came in (if the number of units are available on density map) and want to build multi-family houses, they would be allowed four units right off the bat. If they wanted any more, they would have to commit

to ten single family lots allowing them eight units. If they want more than that, they would then need to commit to an additional ten single family lots to get another four units, allowing them twelve multi-family units. Mr. Barnhill said that this proposed provision may be the most tricky and frustrating to work with developers on. The map alone is a little hard for some developers to work with and this is one more layer for them to fight with and work with (which may cause friction and frustration). However, if this is the right thing to do then that is ok. Council Member Tueller discussed the development (which was approved) that brought all of this up. If they implemented this concept, the development he is referring to, would only be one four-plex short of what they are currently approved for. He said that either the numbers are ok, or they are not. This would not have changed much with the approved development outside of one four-plex unit. He wondered if it would be worth all the effort to scatter them out (micromanaging the scattering). Council Member Young wanted to know if they could go over the numbers in their quadrant of if they are limited. Mr. Barnhill explained they would be limited to the number on the map. Council Member Young brought up that there is a large piece of land (next to the property they are discussing) that would not be able to use any of the numbers because they are already taken. Council Member Wright explained the original purpose of the density map was to spread the multi-family housing (with higher density closer to the highway and more spread out further away from the highway) throughout the city. He is unsure of how pro rating would work without limiting it so much that it doesn't work at all. Mr. Barnhill added that it was created to avoid complexes with fifty or a hundred units, with the idea that a complex of sixteen or twenty was acceptable. Council Member Walker presented a possible way of doing the proration as an option to the Council.

Mr. Barnhill stated that the next provision addresses developments that span across more than one district (and allowing the developer to choose the available multi-family housing from one district, not both). If there were a large development to come in, they would need to use a development agreement to negotiate more. The last provision was originally proposed for four units in a neighborhood commercial zone and two units in the rest of the zones. He added that at the last meeting it sounded like everyone was on board with allowing the four unit size throughout the city.

The Council discussed if there is anything they want to pass tonight or if they wanted to table it again. They are not comfortable with passing it with the current language and feel that the current grid is working well enough as it is.

This item was tabled with no decent.

B. Ordinance 21-U Amendments to Title 14 and 15 Regarding Subdivisions

Mr. Barnhill said this is addressing the subdivision code that was redone in April of 2020. These are updates they have found that need to be addressed. One amendment dealt with developments that come in and get approval and then come back multiple years later ready to record their plat (which caused problems). The changes that they made required them to fund their escrow with their final plat submission. Banks don't want to fund an escrow without their final approval, so the change would be that they have a 90 day window from final approval to fund escrow, get recorded, and pay their direct costs.

The next change would be for proposed residential subdivisions that are ten acres or larger, would be required to at least draw up a concept that follows the conservation ordinance with their application, so that it would give them a chance to at least consider this option. Council Member Walker said that #2C says preliminary application and down below it says plat, so the wording

would need to be changed to match. He also said that it would be good to add some language that addresses the proposed ten acre or larger developments that would need to provide a conservation subdivision plan (to make it clear that it does not have to be a detailed plan) the wording 'conceptual conservation subdivision plan'.

The next change Mr. Barnhill discussed was that subdivision improvement agreement need to be signed by the developers. Mr. Barnhill discussed the changes with escrow accounts and building improvements that make it clearer. He also discussed clarifying that the engineer's estimate needs to be included at the design and engineering application.

Mr. Barnhill talked about needing to give the land use authority ability to require adjustment to the utility plan (where they would be placed) when needed. The next item addresses multi-family dwellings and apartments being required to be developed with private roads as the standard except in cases where the city desires public connectivity or where there is another public interest. Council Member Ostler asked if private roads still have emergency vehicles access and if there are any liability issues. Mr. Barnhill said they do have access but he is unsure about the liability issues. He said the Fire Marshall is included on these reviews and has to pass off on them. Council Member Ostler then asked what private utilities are. Mr. Barnhill explained that if a water main is taken into a townhome complex and it is not serving anyone else except that townhome complex, it would belong to the HOA and not the City. Council Member Ostler asked if that causes liability issues. Mr. Barnhill said he feels there is less liability because if there is a problem they would be responsible to fix it. Bill Morris, City Attorney, said that in the fire code, roads would be required to have a minimum 25 foot access for emergency vehicles. If the developer does not build the surface to the appropriate requirements of the Fire Marshall, the city is governmentally immune from the damage that may be caused from their neglect. As far as the sewer lines, the state issued a new rule related to sewer lines. Any sewer lines that have two or more connections, now have to be administered by the City. The sewer line in the state environmental code, cannot be private (water line could still be private). Mr. Morris said that he can get that information to Mr. Barnhill and Brett Jones, City Engineer. (Mr. Morris added that the rule is 317-1-2).

Mr. Barnhill then discussed requiring culinary water, sewer, and a statement that we will not accept public lift stations. Secondary water would need to be provided, unless they get in writing from Pineview something stating they are unable to provide it. He also discussed a future fee set up that if they do not provide secondary water, the fee would be to cover the potential impact on the culinary water (if secondary water was not provided). Council Member Ostler added that on item #3B 'paid with prior to with recording the plat', would need 'with' striked from the sentence.

The next item discusses construction debris being left piled up, so as part of conditional and final acceptance, things must be left clean and orderly. Lastly, one proposal (which was not recommended from Planning Commission as code but as a policy) which he wanted them to look at, was the R1 and R1/3 zoning not being granted at all anywhere in the City, unless by exception from City Council.

MOTION: Council Member Wright made a motion to approve Ordinance 21-U Amendments to Title 14 and 15 Regarding Subdivisions with the changes as follows:

- #2C – final is scratched
- #2D - add where it is 'conceptual'
- Scratch #4 on 14.03.010
- Scratch 3B 'with'
- Include Council Member Ostler's section

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.

C. Ordinance 22-A Fee Schedule Amendments

Mr. Barnhill said this is what they had the public hearing on earlier this evening on annual registration. Council Member Ostler asked if \$25.00 was the statutory maximum (if not he would suggest increasing that amount). Mr. Barnhill said that it was.

MOTION: Council Member Walker made a motion to approve Ordinance 22-A Fee Schedule Amendments. Council member Wright 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 6: ANNUAL TRAINING

A. Ethics & Rules of Procedure

Mr. Morris presented training on ethics and rules of procedure. See slides.

B. Open Meetings Act

Mr. Morris presented training on open meetings act. See slides.

C. Prevention of Harassment, Discrimination & Workplace Violence

Mr. Morris presented training on prevention of harassment, discrimination and workplace violence. See slides.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- January 13, 2022 Work Session Minutes
- January 13, 2022 City Council Meeting Minutes

Ms. Johnson mentioned to the Council that in the regular meeting minutes on line 82 there was a comma at the end of the sentence that should have been a period. On line 348 there was duplicate language that was corrected. Other than that, the minutes are as presented to the Council.

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

ROLL CALL: All in favor.

Motion Approved.

B. Mayor's Reports

None.

C. Council Reports

Council Member Wright discussed with warmer weather coming, trailhead improvements should be looked at (specifically at Geneva Rock). Mr. Barnhill said this would be discussed with the flood control board at their next meeting.

Council Member Tueller discussed the Waste Water meeting and said they would be working on the budget for the upcoming year.

D. Staff Comments

None.

E. Planning Commission Report

ITEM 8: 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 9:58 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Tyra Bischoff, Deputy Recorder