

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
JULY 28, 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 and Council Member Ashley Young.

OFFICIALS ABSENT: Council Member Dave Walker

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

OTHERS PRESENT: Nelson Phillips (BENJ); Brigham City Mayor, DJ Bott; Monica Taylor; Brigham City Assistant Fire Chief and Fire Marshal, Mike Young; Brigham City Fire Chief, Brandon Thueson and Jan Kerr

ON-LINE: Niebster

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None.

ITEM 3: PRESENTATION

A. Brigham City Fire Department Presentation to Perry EMS

Brigham City Assistant Fire Chief and Fire Marshal, Mike Young; Brigham City Fire Chief, Brandon Thueson; and Brigham City Mayor, DJ Bott attended the meeting to present Perry EMS with an award. They felt that they wanted to reach out to the neighboring cities that gave mutual aid to Brigham City. Mr. Young mentioned how heavily they relied on the Perry City First Responders. He said that they could always depend on them and how professional they were. Mr. Thueson commented that they have a great working relationship with Perry EMS personnel. He remarked that Brigham City Fire Department is the fire department for Perry City and is proud to be able to provide that service to the community. He said they want to pay tribute to Perry City First Responders and extend their gratitude to them for the work that they do and have done in assisting them. To show their appreciation he presented a plaque to them. Assistant Chief, Monica Taylor accepted the award on behalf of the Perry City First Responders.

ITEM 4: Action Items (Roll Call Vote)

A. Discussion and/or Action Regarding Fireworks at Perry Park

Fire Marshal Mike Young also attended the meeting to review the firework parameters. With the new buildings and growth on the west side of Perry he said Perry Park might not work as a place to set off city fireworks. He is concerned that because of this growth the city might not completely follow the National Fire code rules and guideline for large fireworks. He said he is not comfortable with this situation and wanted to discuss it with the council members. He showed a map of the park and highlighted a diameter range that is needed to comply with the rules. He marked the map in the

center in the place they would ignite the fireworks. He explained there needs to be 210 feet from that center point where spectators or vehicles are not allowed to be in this area. There were other diameter circles around the epicenter that he discussed. Such as another 420 feet secured area round the first inner circle. He mentioned that he is most concerned with the inner circle because it is in range of a house and several sidewalk areas. Through great hesitation he did allow the firework show this year but asked the council to consider other options for future firework shows. He commented that they just want the city to have a safe, and damage free, fun event.

He gave the council members a packet that contained NFP 1123 guidelines that were marked with arrows to show the compliance distances. This paperwork gave the clearance feet needed for the size of firework shell they use. Mr. Young showed several other pictures of the Perry City Park area that were marked with 210 feet boundaries lines. He then suggested that the council can either change the size of the shell or find another place to ignite them. Mr. Barnhill mentioned that the smaller shells do not go up as high and are not as visible as the larger sized fireworks. Council Member Wright asked if Mr. Young would recommend a safe place in city boundaries where the three inch shell sized firework can safely be discharged. Mr. Young said the park (Centennial Soccer Park) or perhaps another open field or orchard may be able to accommodate the fireworks. Council Member Young asked if the requirements change for a firework that is ignited from a higher location. Mr. Young said it does only after a 25 foot elevation change. He recommend they talk to the city firework vendor and give them the requirements then ask what shell size options they may offer that will allow the city to comply with fire code and still give a nice show.

B. Ordinance 22-F Land Use Chart and Associated Regulations

Mr. Barnhill presented another update of the Land Use Chart to the council. After the last council meeting he received a few comments about the Land Use Chart from the council members. He said he took their ideas and incorporated them into this updated chart. He then asked the council if they wanted to revisit all the changes. Council Member Wright asked if there was a condensed list of the comments so they can just discuss these without having to review the whole chart again. Mr. Barnhill quickly went over the chart to see which changes the council might want to further discuss before approving the chart. He said perhaps the council would like greater depth discussions on some uses for regulations of a mortuary business, large retail in a neighborhood commercial zone and if the council will allow a grocery store along the highway. Another business in question was if taxidermy should be in a commercial or residential zone. He commented that what he has seen was that taxidermist do the business on the side or out of their home. Council Member Ostler wondered if a taxidermy business is a sales tax generating business, and if not, do we want to allow them in a commercial zone taking up prime sales tax generating real estate. Mr. Barnhill mentioned he received interest from the community for a cemetery which can be for a public or private use. He said if it is a public cemetery the city can put this anywhere they want, but we may want to think about a private cemetery. He said most of what he has encountered on private cemeteries is people who want to bury a loved one in their backyard, which may be something the city will want to discuss. The mayor asked if this is lawful. Mr. Barnhill said that he believes that the city can allow this and set provisions on how much acreage would be required. He said he believes that the city would probably want to only allow private cemeteries on a large scale, ran by a business. Council Member Wright expressed that this would be his preference. Mr. Barnhill noted that was the bulk of the changes.

The council discussed waiting for Council Member Walker prior to making a decision on the ordinance. Council Member Ostler said when he reviewed the chart he considered the land use along with the economic impact for or on the city. He mentioned that the comments he submitted were all addressed in the recent update. However, if they need further discussion, they might want

to further review before approving the ordinance. Council Member Tueller asked if they can pass this and adjust it periodically. Mr. Barnhill said they can approve it and then make changes at a later time when they need an amendment done. Council Member Ostler recommended waiting for Council Member Walker to be present prior to passing the ordinance, which will also allow him to make one more call into Mr. Barnhill to further clarify a few more items.

Tabled with no dissent.

C. Ordinance 22-I Amending the Density Map

Mr. Barnhill explained that this was a request to increase the multi-family density allotment in a certain district by one unit. He said the city policy gives a few reasons why the council might consider the updates to increase the number of units allowed. One of these reasons states that small increase requests might more easily be accepted. He explained this proposed subdivision is close to 3000 S and Highway 89. The property is approximately 1 acre in size and that the submitted plans show 19 townhome units and the multi-family density map for this district only allows for 18 more units.

The planning commission reviewed this request and recommended not to approve amending the density map. Their reasoning was that the area was a little too tight and they were concerned that the development might not have met a certain easement for the neighboring billboard. Mr. Barnhill said at first the developer was going to build the townhomes along the highway with commercial space on the street level. These units would have the living space above the commercial space but the developer has since changed to only townhome units. It was explained by Jan Kerr that the developer found the parking requirement for retail shops would take up too much of the land for this housing development. Mr. Barnhill mentioned that the last time there was a request like this the property was not as tight and it contained single family housing with the townhomes. He said the council did approve that request for one additional unit.

Council Member Tueller said he thought in the multi-density areas, the townhomes can only be four units combined. Mr. Barnhill said that a proposal for that regulation did not pass, but was an idea that had been discussed.

Council Member Young said she feels the housing is too tight. She said that if they change the density for this it will set the precedence for other developers to ask for more density.

Council Member Wright asked what the square footage is on the units and then pointed out the townhomes will be three stories. Mr. Barnhill mentioned he will have to get back with him.

Mayor Jeppsen asked if the developer had worked with UDOT on the highway approach. Mr. Barnhill said that they have and that the access will need to be on the south side of the property. He also said that everything seemed to be okay with UDOT on this request. However, he did not know if the developers had the final written approval from them.

Jan Kerr spoke on the UDOT approval. She said her husband owns the billboard and so they have been involved in this process. She explained that UDOT wants to eliminate the billboard access from the highway and allow it to come from the new road in this subdivision. UDOT showed that this would be a better situation to access to the billboard. She said that there was a cross-access agreement document that all involved has already signed.

Council Member Wright said he was concerned that these units will turn into Air BNBs. He said that they may build the second and three floors to be two separate rental units. Mr. Barnhill said that the city does not have codes to limit that from happening, but the floor plans submitted showed the kitchen, bathroom and living room on the second level, and the bed and bath rooms on the third

level. Council Member Wright next commented that he would not change the density because it is sufficient to meet the needs that are there.

Council Member Tueller said that even though it is just one more unit he does not think it is worth amending the density. He understands the developer is trying to maximize what they get out of the property but he will support the Planning Commission's recommendation to not approve the change.

Council Member Ostler asked for the criteria in the policy to request a density amendment. He asked if the developer offered up amenities to the city or is just requesting for one more unit. Mr. Barnhill said for amendments the policy asks for the developer to follow design standards, improvements in amenities that are above and beyond the standard or open space. He mentioned that this developer has not offered any of these.

MOTION: Council Member Tueller made a motion to approve Ordinance 22-I Amending the Density Map. Council Member Wright seconded the motion.

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

Motion Failed. 0 Yes, 4 No

ITEM 6: DISCUSSION ITEM

A. Fourth of July Follow Up

Ms. Johnson reviewed the Fourth of July event and festivity with the council. She said she wanted to get input from the council and then thanked them for all their hard work on this event. She noted that it has been reported that this event was not as well attended as other 4th of July events, but that was typical for a 4th of July that falls on a four-day weekend. Ms. Johnson noted as mentioned by Fire Marshall, Mike Young, they will need to revamp the firework show. She said there will soon be a meeting about for the Fourth of July Planning Committee and she will get further input from them on any other improvements or changes that may be needed to the events.

Council Member Tueller mentioned that the Creamies and popcorn were appreciated at the ice-cream social. Ms. Johnson said these treats were available because the movie in the park was cancelled due to bad weather. The movie in the park was able to be shown the following week.

Ms. Johnson said if the council has any additional feedback or ideas to improve the festivities she will pass them on to the July 4th committee. She explained that financially the city felt the inflation for this event but the city was able to get a County Tourism Grant and a Heritage and Cultural Community Grant through the state to help with increased costs. She also noted that there was great local sponsors that donated to the city for this event.

Council Member Ostler remarked that he was grateful for the people who work so hard to make this event successful. He said this year his appreciation increased for the people, like Shanna, the council and others involved with this celebration. He likes how it creates a good community feel. He requested for his gratitude to be communicated to the 4th of July planning committee. He then asked if the city awards were surveyed out to the council or not. Ms. Johnson responded that this year there was not many nominees and a few were carried over from the prior year. She expressed the single nominees they already had worked well for this year. It was mentioned that this process can be improved by starting sooner through social media outlets in asking the community for nominees.

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

A. Approval of Consent Items

- May 12, 2022 RDA Meeting Minutes
- June 09, 2022 City Council Work Session Minutes
- June 09, 2022 City Council Meeting Minutes
- June 23, 2022 City Council Meeting Minutes
- June 23, 2022 RDA Meeting Minutes

Ms. Johnson indicated corrections were needed on line 114 of the June 23, 2022 council meeting minutes, which needs clarification on Health Fund or a healthy fund. A correction will also be made in the RDA Meeting Minutes of the same day, Nathan Tueller was listed as both present and absent, but he was present.

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

Motion Approved. All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen reported that he met with the County Commissioners, Chief Hancey, and other police chiefs in the county to discuss the recent mass shootings that have occurred at schools he said the meeting was focused on school safety. It was mentioned that there should be more law enforcement presence in the schools. He said that the commissioners are trying to be pro-active and will have more meetings in the future on this issue.

C. Council Reports

Council Member Young reported that Mr. Barnhill and she took the Youth Council and their parents on a tour of The Lodge. They walked around the inside and let the youth see the future city hall building. They talked about the history of building and Perry City's plans for the building. Council Member Young said she reached out to the Maddox family and asked for more information and history of the Lodge. She mentioned that most of the youth brought a parent and they seemed excited with the renovation plans. Mayor Jeppsen said that he appreciated this public relations project.

Council Member Ostler – none.

Council Member Wright thanked everyone for their help with the Fourth of July celebration. Next he remarked that he called the county Mosquito Abatement and asked if they did rounds in Perry City. He was told it was only done upon request. He said we pay taxes for this and it should be a service that they provide the city. Mr. Barnhill suggested they give this information to Tyler Wagstaff in Public Works and he can call in the requests. Ms. Johnson said if the council wants that the Mosquito Abatement can come and present an annual report and create a time where they can ask questions.

Mayor Jeppsen said he has seen them testing the mosquito at the park, gun range, and in the swamp areas. He does not understand why the abatement district does not do something about the mosquito population in these area. He said we need to follow up on this and asked Mr. Barnhill and Mr. Wagstaff to check on this and what needs to be done to get this service.

Council Member Tueller – none.

D. Staff Comments

Chief Hancey spoke more about the safety measures at our local schools. He said for the past two years he has required his officers to go into each public school building daily. He has plans to increase the frequency of these school visits. In addition, he will ask the officers to work at the school on their day off. This will give the increased law presence at the school, but it will require using the overtime hours requested in the budget.

Mr. Barnhill said he went on-line to review the firework shell and size and that the council can use that information when deciding on a place for next year.

Ms. Johnson asked the council members to send the concerned citizen inquiries to the city office. There are many comments on social media that contain mis-information or not understanding the situation. If they would talk to us at the office we could clarify the confusion.

Tyler Wagstaff - none

E. Planning Commission Report

Planning Commissioner Jan Kerr said that they gave the preliminary subdivision approval for Vintage Farms Townhomes. She said they addressed the ordinance regarding the density amendment change for the 19 units that was discussed earlier. Then she said they received an updated map of the Olsen Orchards Development Overlay, which was near 1100 West 3600 South. She explained that it showed 3700 South was connected to Highway 89 and eliminated the access to Hargis Hill Road. However, it was tabled because of the development agreement.

ITEM 7: EXECUTIVE SESSION

None.

ITEM 8: ADJOURNMENT

MOTION: Council Member Wright proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:11 p.m.

Shanna Johnson, City Recorder

Kevin Jepps, Mayor

Anita Nicholas, Deputy Recorder