

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
June 22, 2023

6:59 PM

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

OFFICIALS ABSENT:

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

OTHERS PRESENT: Blake Broadhead, Walline Broadhead, Brandon Capener,

ON-LINE: Nelson Phillips (BENJ), Melanie Barnhill

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

ITEM 3: ACTION ITEMS (Roll Call Vote)

A. Resolution 2023-16 Adopting a Fiscal Year 2023-2024 Final Budget

Ms. Johnson said a public hearing was conducted on June 8th regarding the proposed budget. She then gave a budget overview of the total planned General Fund budget of \$4,849,585 for the city and highlighted a few of the main expenditures. She mentioned several capital projects planned for this fiscal year. These projects include the renovation of the new City Hall and Public Safety Facility, 1200 West north trail, central trail and road projects, Mountain View Park equipment and improvement project, and a fund created for savings for repairs or a new Emergency Medical Service (EMS) vehicle. She noted that there was not a property tax increase included in the proposed budget, but there was a garbage utility rate increase. She said copies of this budget will be available at city hall or on-line at perrycity.org/finance.

She recounted that every year in January, the council members set their top priorities (goals) and this year the goals were: gun range, roads, water, master plans for utilities, city hall, staff, citizen engagement, parks and trails, and business and economic development. She pointed out and then explained the priorities that have been funded in the Fiscal Year 2023 budget. She said the budget was covering a lot of the top priorities but noted there was still work to do. She said the council will continue to work hard on these priorities and she thanked them for their services and great job. She

thanked the department heads for their hard work. (See attached FY2024 Budget Slides). Council Member Ostler asked if the budget had changed since their last meeting and Ms. Johnson responded that she did not make any changes.

MOTION: Council Member Wright made a motion to approve Resolution 2023-16 Adopting a Fiscal Year 2023-2024 Final Budget. 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

B. Resolution 2023-17 Approving a Real Estate Contract for the Sale of Property Located at 2544 S Hwy 89

Mayor Jeppsen presented the resolution and said that the biggest focus of the contract was the price and the time frame. He said this contract was to sell surplus property owned by Perry City, which will close at the end of September. He acknowledged there were addendums to the contract, but addendum no. 2 was what he focused on. He explained that addendum no. 2 noted that the contract was subject to the approval of the Perry City Council and the buyer must infer the land use approval and follow the normal (land use) process.

Council Member Wright asked about the first offer (addendum no. 1) from the buyer where it stated it shall be contingent upon receiving approval of a twenty-unit townhouse development and if it fell out (became void). Mayor Jeppsen responded that the intent for addendum no. 2 was for addendum no. 1 to fall out and require the buyer to follow our regular land use approval process, because the city did not want to guarantee the 20 townhome units. Mr. Barnhill further explained that addendum no. 2 clarifies that the city was not preemptively implying that we will grant that (the twenty-unit townhouse development) approval by this contract. He noted that if they do not get the plat approved (conditions met) by September the real estate contract (for purchase of the property) will not close, but the buyer may be asked for an extension. Mr. Morris mentioned that the contract was written so the mayor could work with the buyer instead of bringing it again to the council.

MOTION: Council Member Wright made a motion to approve Resolution 2023-17 Approving a Real Estate Contract for the Sale of Property Located at 2544 S Hwy 89. 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

C. Ordinance 23-E Landscaping Regulations

Mr. Barnhill said the background to this ordinance amendment is tied to the drought we had the last couple of years. With the lack of water, the state implemented a water saving landscape rebate program where the resident may get \$1.50/square foot to remove grass and replace it with water-efficient landscaping. For existing residents to be eligible for these incentives the state requires the city to adopt a landscape ordinance for new residential developments. Mr. Barnhill reviewed the landscaping rebate letter from the State and highlighted some of the program rules detailed in the proposed ordinance. He stated that in order for the citizens to be eligible for the rebate the City must adopt two provisions for new developments including not allowing lawn in park strips or areas less than 8 feet in width, and the second provision is that no more than 50% of the front and side yard can be lawn (or grass). Council Member Tueller asked if the rules (provisions) stand alone. Mr. Barnhill clarified that these provisions are for new developments, but for existing properties (not new development) a citizen can replace any patch of lawn (with water efficient landscaping) and get \$1.50 per square foot in rebates. He clarified that for new developments only 50% of the front and side yard landscaping can be grass. Council Member Tueller asked if approval from the City and State is required for landscaping in new developments. Mr. Barnhill noted that the State would not be involved at all with new development, the city would be responsible for implementing this policy; we may include information regarding the provisions (not allowing grass in the park strip, and only half of the front and side yard can be grass, etc.) as part of a building permit packet.

Council Member Wright commented that the state is pretty strict with this program in that the grass must already be growing and then removed before you can submit for the rebate and the city has to have already passed an ordinance adopting the program provisions. Council Member Wright clarified that citizens would go directly through the state to get the rebate. Mr. Barnhill confirmed this. Council Member Wright said that the state received \$5 million for this program and may apply for additional funding each year up to \$3 million for the next 5 years.

Council Member Tueller clarified that for new construction there are no rebates, but we have to pass this ordinance before current residents can receive the rebate. Mr. Barnhill agreed with this statement noting that the State wants to see that Cities are moving in the right direction on new construction before they will award rebates in the area.

Council Member Walker asked about the third bullet (or provision) in the States program, which states that commercial properties should have no more than 20% of their landscaping be grass, and asked if we must pass all three provisions in order for residents to qualify. Mr. Barnhill explained that in order for residential properties to qualify for the rebate we must pass the first two bullets (or provisions) and in order for commercial properties to qualify the city must also adopt this third bullet point regarding commercial properties.

He then pointed out the changes listed in the ordinance so it would implement the standards for the state program and that language was the same as the bullet points from the letter.

Council Member Wright said that the amendment did not specify if it was residential or commercial and Mr. Barnhill explained that at the beginning of section 15.18.050 it does, and this ordinance

was only changing subsection 2 of section 3. The council and Mr. Barnhill further reviewed and discussed the wording of the ordinance and letter. Council Member Tueller asked who would monitor this and Mr. Barnhill said it was up to us to decide how to implement all the standards in the code. He then suggested that the easiest approach would be to provide that information up front to the developer during the building (application) process. The council, Mr. Morris, and Mr. Barnhill continued discussing scenarios and how the city might enforce the standards required for this program. Mr. Barnhill pointed out that he also updated other areas of the ordinance that were unclear or outdated.

Mr. Barnhill then gave a report on the public survey where he asked the residents if they would be interested in Perry City participating in this type of rebate program. The report showed the citizens supported a water wise program, but not the government-imposed requirements. Council Member Tueller commented that after thinking and learning about this plan he does not want the heavy-handed state government control, just to get some money. He said he knows several people (Perry city residents) that have already replaced their grass park strip areas with low water landscaping. He said we should not play a money (and control) game with the state, but instead go in our own direction (with water wise landscaping) because it's a good principle thing to do. Council Member Young commented that she did not want the state to tell her what to plant or not to plant in her front yard. Council Member Walker said he feels it will be a high cost to replace 50% of grass (to comply with the state) for the low incentive (\$1.50 rebate) but said he likes the principle of this water conservation plan; however, he prefers to do it at a city level. Mayor Jeppsen, the Council, Mr. Morris, and Mr. Barnhill discussed how they might make a motion and not have the ordinance contain the state requirements, but eventually they all decided to send it back to the Planning Commission to rewrite it. The focus of their concerns was the following:

- Removing the State heavy handed provisions
- Adopt a water wise landscaping plan developed at the city level
- Create guidelines for new developments/builds – provide information up front to applicant
- How to enforce the regulations- interrupted in favor of the property – not too regulated
- Start with the park strip – contemplate how to factor in the front and side yard
- Park strip should not only contain rock or gravel, but must include vegetation
- Create a list of the recommended types of trees allowed in the park strip (maybe consult a professional arborist)
- Change the criteria percentages for minimum landscaped area

MOTION: Council Member Tueller made a motion to send (Ordinance 23-E Landscaping Regulations) back to the Planning Commission to review the minutes and the comments that have been made by the council and rework what has been brought before the council. 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

D. Community Awards

Ms. Johnson said she sent the council the city award nominees for this year's Fourth of July celebration and wants them to approve which citizens they want to give these awards to. She said the award dinner will be on Wednesday, June 28 and she needs to send the invitations out now to the nominees. She read the names and information about the citizens/businesses who were nominated and what categories the awards would be given. She also mentioned that the council members may present their own nominations. She said that they had put the link for the application to nominate a resident or business on social media for several weeks. Of the applications received she said there were several great entries and then shared the information collected with the council.

After some discussion, the council agreed on the winners and Ms. Johnson said the names and gave highlights for these winners as:

- Grand Marshall – Bob and Reva Anderson (they have lived in the city for many years and Reva was Perry City's first City Recorder)
- Boyd White Service Award – Rory Pyatt (served in the military and is a veteran, was a police officer, volunteered at the Three Mile Creek Gun Range for the past five years, and has served his country, state, and city)
- Business of the Year – Right Deal Auto (they are excited to be part of our city, do a good job, and donate to our Fourth of July festivities)
- Citizen of the Year – Misty Moesser (a pay per call volunteer for the Perry City First Responders, she has handled the most calls this year for them, serves as their secretary, she is very reliable, she offers community CPR classes, and she encourages volunteerism with kids)
- Mayor Award – To be determined. Paul White was suggested, he was also nominated for Citizen of the year (he is a dedicated and service orientated citizen, for two year he has lead park improvement projects at Perry City Service Day, he stays up to date with city council meeting proceedings and adds helpful input to current issues). The council encouraged the mayor to think about this candidate but understood that the mayor may decide to select a different winner. [After this meeting, the mayor selected Bryce Thurgood, for efforts as the chairman of the Flood control Board].

ITEM 4: DISCUSSION ITEM

A. Fourth of July

Ms. Johnson said in addition to what is listed on the Fourth of July schedule there was another commitment for City Council members to attend, the Wednesday, June 28, annual awards dinner at 6: 00 p.m. at Maddox Restaurant. She then reviewed with them the event schedule and expounded on the details of these plans along with what activities they need council members help with. She mentioned the high school Future Farmer of America (FFA) club members will host the kid games, the balloon man will build balloon animals for the kids, and that Old Grist Mill donated the money for the inflatable activities. She said the tickets they will sell will be for the rock-climbing wall, dunk-a-cop, and the kid games. She said all this information was in their packet. She said the Fourth of July t-shirts are done and that she did not order very many to sell at the park this year. She mentioned the hamburger stand, Perry Ice, and the First Responders breakfast will be some of the food vendors that will be at the park throughout the festivities. She asked the council if they knew

(or will reach out to) any volunteers to help the First Responders with the clean-up after the breakfast.

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

A. Approval of Consent Items

- May 11, 2023 City Council Work Session Minutes
- May 25, 2023 City Council Work Session Minutes
- June 08, 2023 City Council Work Session Minutes – Tabled
- June 08, 2023 City Council Meeting Minutes - Tabled

Ms. Johnson said the June 08, 2023, meeting minutes were not available and need to be tabled.

MOTION: Council Member Walker made a motion to approve both Work Session minutes for May 11 and May 25 as they currently stand. Council Member Wright seconded the motion.

Motion Approved. All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen said Cooperative Wildlife System (CWS) at is Fire Insurance for Perry City; if a fire starts in Perry City and goes up the mountain, then the city will not be responsible for the financial cost of it. He said this contract started in 2017 and since the start the city has not completely complied with their requirements. He said now there is new legislation on this contract and the city has until July 30 to comply. He said they have identified around \$4k of stuff that Perry City needs to do to mitigate the fire issues in the city boundaries. If we comply the insurance would cover Perry City. He said over the past several years we have completed some projects that fit the mitigation categories such as retention ponds. He will be working with a representative to show our efforts and enroll the city for this insurance. He then will bring a resolution to the council after the fact on this issue.

C. Council Reports

Council Member Tueller gave kudos to the Public Works Department on installing the swing set at Perry Park. He said they are doing an incredible job and Zach Allen has been laser focused on getting it done.

D. Staff Comments

Chief Scott Hancey said all was going well and their new officer was doing very well. He mentioned that they have new patrol vehicles (Durango's), and they will drive them in the parade.

Mr. Barnhill added to the efforts at the park and noted that they have had good volunteers to help spread the bark at the park.

E. Planning Commission Report

Commissioner Broadhead reported that Ordinance 23-F Landscaping Regulation was first tabled and then after the survey that had multiple discussion about it, but ultimately, they all felt duty to take a step to water conservation. Mayor thanked Commissioner Broadhead and all the other commissioners for their time on this issue.

ITEM 5: EXECUTIVE SESSION

None needed.

ITEM 6: ADJOURNMENT

MOTION: Council Member Walker proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:18 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder