

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
March 23, 2023

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Blake Ostler (arrived at 7:03 PM), Council Member Dave Walker, Council Member Toby Wright (on-line), and Council Member Ashley Young.

OFFICIALS ABSENT:

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Zach Allen, Public Works Director
Destry Roskelley, Public Works Maintenance (on-line)
Scott Hancey, Chief of Police
Bill Morris, City Attorney (on-line)
Shanna Johnson, City Recorder

OTHERS PRESENT: Marsha Frances, Austin Jenkins (Republic Services), Rich Allen, Lorri Allen, Abbie Holbrook, David Holbrook, Clint Nelson, and Riley Yeates

ON-LINE: Nelson Phillips (BENJ), Anna Ostler, Mallary, and 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: PRESENTATION

A. Stotz Equipment Grant Award

Riley Yeates from Stotz Equipment said their company mission statement is “creating a better life for our families, communities, and those connected to the land.” He said they care a lot about their employees and customers along with the communities they live in. He reported that this year the company was able to take a portion of their profit to donate into these communities. He explained that Lorri Allen was a resident of Perry City and an employee at Stotz Equipment. He further expounded that she gathered information and submitted a proposal to Stotz Equipment for grant money to improve the playground equipment at Perry Park. He said management voted on the proposal and Perry City won the vote so he wanted to present a \$45,000 check to upgrade the swings in this park.

Mr. Barnhill thanked Perry City employees Zach Allen and Destry Roskelley for their work to connect with Ms. Allen on this process. He said it's great what they are doing at Perry Park and the community. Then Mayor Jeppsen thanked everyone for this community award.

ITEM 4: ACTION ITEMS (Roll Call Vote)

A. Ordinance 23-B Zone Change for RM Mills Construction from NC to R1, located at 615 W 2200 S, Parcel # 03-278-0034

Mr. Barnhill said this property was in the Davis Creek Subdivision and across the street from the Maverik Store on Highway 89. This lot presently has two zones and he said the applicant was asking for the property to be changed to just the R1 zone. He mentioned recently a property to the south had a similar situation and was granted the residential zone change. He said the Planning Commission had a Public Hearing and there was not any opposing comments and that they recommended the resident zone change. Council Members discussed the peculiar lot size, residential uses for it, and access or outlets for it. Council Member Tueller commented that in the past and when it made sense to accommodate these lots the council has approved these types of zone changes. Council Member Walker said because of the access point it makes more sense for this lot to be residential. Council Member Young inquired if the developer would be installing streetlights. Mr. Barnhill responded because the development was approved in 2007 the city might need to install the lights.

MOTION: Council Member Tueller made a motion to approve Ordinance 23-B Zone Change for RM Mills Construction from NC to R1. 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

B. Ordinance 23-C Zone Change for Shane Francis from NC2 & R1 to NC2, located at 2544 S Highway 89, Parcel # 02-028-0031

Mr. Barnhill said this applicant was similar to the previous action item. He explained the property was along Highway 89, 2540 South, and 900 West and consists of neighborhood commercial in the front and residential in the back. The lot was approximately 3 acres and the applicant was asking for the whole property to be zoned commercial. He mentioned that there were several public comments in the public hearing, which were presented in the Staff Report. Also in the Staff Report was the recommendation from the Planning Commission to keep the R1 zone in place for 130' of the west side of the property and the remaining R1 zone changed to NC2 (see exhibit A of the ordinance). He said the key thing here was to keep in mind the capability and transition to the existing uses around the property. For record he noted that Perry City was part owner of the property but was not part of the application being submitted or privy to any of the information about it. The city ownership shouldn't override those important policies and guiding principles.

Council Member Tueller asked for the length on the west side of the lot and Mr. Barnhill responded that it was approximately 310', which in the future could accommodate about four quarter-acre

lots. Mr. Barnhill pointed out that the density map currently shows 20 multi-family units are available in this (district) area. Council Member Walker remarked that they should keep 900 W (Park Drive) a residential road; however, they'll need to have a commercial access. He said for this request the Planning Commissioners have given a reasonable recommendation to square it off, but eventually the parcels (along the highway) will have issues. Mayor Jeppsen indicated that because of the diagonal highway on the south end of the city one of the problems was the commercial zoned properties are going into residential areas.

Mayor Jeppsen allowed a brief public comment from David Holbrook who represented the neighboring property owners. Mr. Holbrook said he lives at 2536 S 900 W and have spoken to the families living in the area who all feel that they don't want commercial across the street from them. He mentioned that several years ago there were five lots on north side of 900 W owned by the city and he with the others purchased and built on them. He said they are opposed to this because they still want to have the small town feel and not the back of the business across from their home.

MOTION: Council Member Tueller made a motion to approve Ordinance 23-C Zone Change for Shane Francis from NC2 & R1 located at the stated parcel. Council Member Walker seconded the motion with a suggested amendment to adopt the Planning Commission's recommendation of creating a 130' residential section. Council Member Tueller did not stand on Council Member Walker's added amendment. Council Member Young second the motion that was on the floor and as originally stated by Council Member Tueller.

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

Motion Failed. 0 Yes, 5 No

C. Resolution 2023-06 Adopting a Ballot Measure to Repeal Mass Transit Tax

Mayor Jeppsen said there had been a lot of discussion with the Commissioners, City Council, Attorneys, and from all concerned about the repeal of the Mass Transit Tax. He mentioned that there was a lot involved with this but there was only one decision to be made today for it to be put on the ballot in November. He said they will discuss this process in the future but need the resolution to go forward.

Council Member Tueller summarized that this repeal was for the one-quarter of one percent sales tax sent to UTA, for the promised purchase of land for the frontrunner project. Those funds can then go to the city and not UTA for use of transportation and roads infrastructure within our city. He said for years the council has tried to get that tax back and now since they didn't bring the frontrunner project to Perry City they have a reason to repeal the tax. Mr. Barnhill noted for the public that this resolution is in collaboration with Brigham City, Box Elder County and UTA. Mr. Morris said that he has been in coordination with the UTA attorneys and everyone was in agreement.

Council Member Ostler asked for clarification of the wording in the third whereas clause that the "county may impose a tax to assist with public transit." Mr. Morris responded that this was put in to

show collaboration but ultimately the county may or may not impose the tax. Mayor Jeppsen said the intent was to give the acknowledgement that the county was the legislative authority on this.

MOTION: Council Member Walker made a motion to approve Resolution 2023-06 Adopting a Ballot Measure to Repeal Mass Transit Tax. 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

D. Resolution 2023-07 Adopting a Municipal Wastewater Planning Program for the Wastewater Treatment System

Ms. Johnson explained that this resolution was an annual reporting requirement by the Department of Environmental Quality. It requires the cities to review a municipal wastewater planning program for their system. She said the city analyzed the prior year to make sure the city wastewater system was in good health. She explained that our city Wastewater Treatment Plant Lead Operator, Jeff Hollingsworth, completed the operations section of the report and noted that the city was in compliance and there were not any violations. She showed and summarized the financial evaluation section of the report, noting that she worked with Willard City and Jeff Hollingsworth on the report data such as average annual user rates, average impact fees and planned capital improvements, of which no new planned capital projects were indicated. She mentioned that it is recommended that every 5 years you have an Impact Fee Analysis done and the city has not done this since 2007, at the beginning of the plant. Discussion took place regarding the equipment budget for the wastewater plant. Shanna pointed out that the funds used in the account are more for maintenance of parts, service repairs, and replacement parts, not capital improvement purchases on the plant. Council Member Tueller explained some of the Wastewater Boards' future plans regarding plant equipment including a needed transfer switch. Mayor Jeppsen commented that there are specific laws that require this equipment be in certain running condition. Ms. Johnson reminded them that there were also emergency reserve funds held for emergency repairs and an expansion fund that is funded by budget dollars that are unspent. In addition, she mentioned the wastewater bond requires an Asset Management Plan. Mayor Jeppsen noted that the board oversees the asset management plan.

Council Member Ostler suggested that it might be good to get the Impact Fee Analysis done at this time. Mr. Barnhill mentioned that water, parks, storms, public safety and fire have studies currently being done. Council Member Ostler said he was concerned with the need for a major re-haul because of recent governmental phosphorus requirement. Ms. Johnson said the Perry-Willard Wastewater Treatment Plant had already gone through the phosphorus treatment study and the state determined that the plant did not require phosphorus treatment. Council Member Tueller confirmed this.

MOTION: Council Member Tueller made a motion to approve Resolution 2023-07 Adopting a Municipal Wastewater Planning Program for the Wastewater Treatment System. 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

E. Discussion and/or Action Regarding Solid Waste Disposal Bids and Authorizing the Mayor to Negotiate a Contract for Solid Waste Disposal

Mr. Barnhill explained that they had put out a solid waste disposal service bid and spoke directly to five different garbage providers but had only received one bid back. Republic Services was the company that submitted the bid and that their representative, Austin Jenkins, the operation manager for the Ogden and Salt Lake areas was present. Mr. Barnhill said Republic Services gave Perry City several types of service options and the council will need to review the options, give input, and then authorized the Mayor to negotiate the contract. He mentioned that if the council decides to purchase the current garbage cans being used, there would be some administration and maintenance costs that will go along with it. He said Republic Services wanted a five-year term contract and an annual 3.5% -7.5% increase based on the garbage specific consumer price index with Monday recycle pick-up and Tuesday garbage pick-up days.

Mr. Jenkins commented that Republic would be purchasing a new truck and hiring a new driver to accommodate this contract. He then asked if they had questions. Council Member Ostler asked Mr. Jenkins for the past three year's average garbage index. Mr. Barnhill said that he heard it was around 4.25% which included two high years and a few low years. Mr. Jenkins then highlighted some of the things Republic Services offer and some options Perry City may select. Council Member Walker asked if they should get another bid for comparison and Mr. Barnhill said he already reached out to all the garbage services he knew of, but Republic Services was the only that wanted to give Perry City a bid.

MOTION: Council Member Tueller made a motion to approve authorization for the Mayor to negotiate a contract with Republic Services solid waste disposal. Council Member Wright 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

F. Ordinance 23-F Adopting an Option Transportation Sales & Use Tax

Mayor Jeppsen tabled this action item. He said at some point when they have a strategic plan and the timing worked out they will be ready to discuss it in a public forum.

There was not any objections from the council.

Motion Tabled.

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

A. Approval of Consent Items

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MOTION: Council Member Walker made a motion to approve the consent items as stated.

Motion Approved. All Council Members were in favor.

A. Mayor's Reports

Mayor Jeppsen said he and Mr. Barnhill had met and reached a tentative interlocal fire protection agreement with the leaders at Brigham City. He said it will be discussed in greater detail in the budget process, but will be similar to what has been done the last couple of years. He then mentioned Brigham City had requested bids for a fire study and should be making a decision soon regarding who will be conducting the study. He said each entity involved in this agreement will be responsible to share the cost of fire study. The study will be to determine if it would be better to have a fire district or to continue with the interlocal agreements.

B. Council Reports

Council Member Young said she was happy to hear about the donated money for the purchase of a swing set for Perry Park. Council Member Walker mentioned that he was getting with the Public Works Department to discuss possible projects for the upcoming public spring-cleaning service project. Council Member Ostler, Wright, and Tueller stated that they didn't have anything to report.

Staff Comments

Mr. Barnhill said the contract work for The Lodge (new city hall) will be underway this week. He recognized that Perry City was awarded a grant for Highway 89 from Wasatch Front Regional Council. He explained they were working with the Utah Department of Transportation (UDOT) on a master plan for the highway, sign the paperwork, and verify the scope of work. He expressed there will be an open house to get ideas for this general plan and Wasatch Front Regional Council will oversee the bids. This general plan will be a process that might take about a year to develop. Mr. Barnhill then gave the council a heads up that the bids for the site prep of Mountain View Park came back high so administration will present a budget amendment and a recommendation to hold back on some equipment purchases. In conclusion, Mr. Barnhill said they should be receiving an email asking them to select apparel to have the Perry City logo put on it for them to wear.

Mr. Allen wanted to thank the public for their cooperation during the busy snow season. He said they are excited for the new park projects with the grant money the city has received. He mentioned this month with their new hire Public Works was now up to full staff capacity.

Ms. Johnson said she had worked with department heads and the mayor to obtain budget proposals for Fiscal Year 2024. She noted that next council meeting they will have a budget work session and a tentative budget will be presented to the council as required by Perry City Code. Mayor

commented that the intent of the city code to have the budget presented in the beginning of April was so the council could review and avoid the need for additional meetings. Ms. Johnson said it is state law to have it presented by the first council meeting in May.

Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

None needed.

ITEM 7: ADJOURNMENT

MOTION: Council Member Walker proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:21 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder