

PERRY CITY COUNCIL  
MEETING PERRY CITY OFFICES  
MAY 12, 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  
Tyler Wagstaff, Public Works Director

OTHERS PRESENT: Tracy Petersen, Leslie Milligan, Bryce Petersen, Beth Thompson (Planning Commission), Zach Harris, Nelson Phillips (BENJ), Melanie Barnhill

**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 – Emergency Manager**

Mayor Jeppsen proposed an appointment for Perry City Emergency Manager. He said they received an application for this position from Bryce Petersen. He invited Mr. Peterson to approach the podium and introduce himself to the council. Mr. Peterson said he had been with Perry EMS for about two years and had be recommended for this position by his chief and peers.

Council Member Walker asked Mr. Peterson what made him want to serve in that position. Mr. Peterson answered that he feels he has a lot to offer, is qualified, and capable of doing what's required for this type of position.

**MOTION:** Council Member Wright made a motion to accept Bryce Peterson as an Emergency Manager. Council Member Tueller seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No.

### **ITEM 3: ACTION ITEMS**

#### **A. Resolution 2022-08 Elevator Maintenance Agreement**

City Administrator Barnhill reported on the changes the council asked Schindler Elevator Corporation to address before they would approve this contract. He said that they gave the minimum number of inspections and testing each year, for safety they will cover the operational repair cost, and they clarified the billing ambiguity. He mentioned that there's still a couple of typos that need to be made to the contract before it is signed. Next he said the company will not accept changes on the buyout options. This option will only occur if we cancel the contract early then we'll be responsible to pay half of the remaining amount of the agreement.

Council Member Walker pointed out two areas in the agreement that might contradict the time frequency that Schindler Elevator Corp can do price increases. He said the contract states that it can be increased annually, but later says it can be adjusted quarterly or annually. Council Member Walker asked which would apply. Robert Barnhill said we would be subject to quarterly increases based on the presented contract. Council Member Walker also referred to the 5 percent annual cap on fee increases and asked if this should be lower. Mr. Barnhill stated that originally the contract had no cap. Council Member Walker said he would like clarification on how often the fee can be raised and suggested a 3.5% cap on annual increases. They discussed this further as a group. Council Member Wright felt the 5% cap on the annual percentage increase would only cost \$200 more than a 3.5% increase and felt the document was fine as written.

**MOTION:** Council Member Wright made a motion to approve Resolution 2022-08 Elevator Maintenance Agreement with typo adjustments. Council Member Tueller seconded the motion.

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

**Motion Approved.** 4 Yes, 1 No

#### **B. Resolution 2022-09 Perry Landing Development & Reimbursement Agreement**

Mr. Barnhill pointed out a few typo corrections that had been made to the agreement. Then he gave a brief summary of this resolution. He said that to meet fire code for the Perry Landing development the city had to require an eight inch upgraded utility line. It was decided that it would be in the best interest of the city to have a ten-inch line installed instead. So this agreement is outlining that the city will pay the developer for the cost to upsize the line from eight inch to ten inch. Mr. Barnhill advised that he had Bret Jones review the proposal and \$44k was determined to be what's needed to pay for the increased line size. He mentioned that if the city installs the bigger line now, we should not have to work on that line for several decades.

Council Member Wright asked for an explanation of the \$10k labor charge in the bid. Mr. Wagstaff responded to this question and said that it takes a lot more work to install a larger pipe. It also takes more valves and fittings, which increases the labor charge. Mr. Barnhill noted that because of the weight of the pipe it might take additional equipment.

Council Member Walker asked about the quote as they priced their bid on eight-inch lines. Mr. Barnhill said there's a notation on the bottom of the bid that at the discretion of Perry City the lines may be increased to ten-inch. They then noted the changes within the added boxes. Council Member Ostler asked if it would be worth noting that no payment would be issued until the work passed inspection and met contractual expectations. Mr. Barnhill said that as part of the development there are several different Public Work inspections, including the inspection of this line. He said no payment would be made without the work being completed and inspected. He noted that there would be fines if the inspections are not completed. In addition, that there is a one-year warranty after work is completed, with 10 percent put in an escrow until the warranty elapses.

**MOTION:** Council Member Wright made a motion to approve Resolution 2022-09 Perry Landing Development & Reimbursement Agreement. Council Member Walker seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**C. Motion Granting Permission for City Administrator, Robert Barnhill to perform consultation work outside of city employment**

Mr. Barnhill said that he would like to do work outside of the job he has at the city. He indicated that per his Perry City employment contract he has to get council approval to do outside work. He said this work will be for an engineering firm. He'll help them with landscape planning and architecture work. He also said that this work isn't at a Perry City firm and that he'll not do any projects within the city boundaries.

**MOTION:** Council Member Wright made a motion to approve this permission for City Administrator to include the memorandum of understanding. Council Member Walker seconded the motion.

**ROLL CALL:** All in favor.

**Motion Approved**

**ITEM 4: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)**

**A. Approval of Consent Items**

- April 28, 2022 City Council Work Session
- April 28, 2022 City Council Meeting Minutes

Ms. Johnson stated that the minutes weren't proof reading and not available at this meeting.

Approval of consent items was tabled.

**B. Mayor's Reports**

Mayor Jeppsen said that they completed the bonding process for the new city building and received the funds. The City will be closing on the real estate deal next week.

**C. Council Reports**

Council Member Young  
None.

Council Member Walker reminded the council of the Service Day on May 21 at 9:00 am. He said they are going to focus on cleaning up Mountain View Park. Also, that there will be three volunteer project leaders to help facilitate at this activity.

Council Member Ostler thanked all who were involved with the bond documents and this process.

Council Member Wright commented that the Perry Garage Sale was this upcoming weekend. He also asked about what weight is allowed when using landfill vouchers at Box Elder County Landfill. Shanna Johnson said that the capacity of a standard truck bed is allowed, but was not sure of the weight allowed.

Council Member Tueller stated he appreciates everyone's efforts on their respective projects. He gave thanks to Council Member Walker and Mr. Barnhill for the work they are doing with UDOT.

**D. Staff Comments**

Mr. Barnhill, Ms. Johnson, Chief Hancey, and Mr. Morris didn't have anything to report or make a comment on.

Mr. Wagstaff reported that next week the 3000 South waterline should be installed and the old line should be dead. He noted that everything related to the water line on the highway has passed Bac-t testing, so now they can work on getting the line tied in. He stated that hopefully by next week the line in front of the city offices on 1200 West will be ready for Bac-T testing.

**E. Planning Commission Report**

Planning Commissioner Thompson reported that at the last Planning Commission meeting they had a training work session for the three new members. She said that they had two action items, one was a request for a zone change on 1100 W 3600 S, and the other was on the Land Use Chart.

**ITEM 5: EXECUTIVE SESSION**

- A. Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.**
- B. Strategy session to discuss the character, professional competence, or physical or mental health of an individual.**
- C. Strategy session to discuss collective bargaining.**
- D. Strategy session regarding pending, or reasonably imminent litigation.**
- E. Strategy session to discuss the deployment of security personnel, devices, or systems.**
- F. Discussion of investigative proceedings regarding allegations of criminal misconduct.**

**MOTION:** Council Member Tueller made a motion to adjourn the close the public meeting and open an executive session for Item A (discussion regarding the purchase, exchange, lease, or sale of real estate property). 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.

The public session closed at 7:33 p.m.

**MOTION:** Council Member Tueller made a motion to close the executive session and go back into the regular meeting. Council Member Walker seconded the motion.

The public session reopened at 8:04 p.m.

#### **ITEM 6: ADJOURNMENT**

**MOTION:** Council Member Wright proposed to adjourn the meeting. Council Member Walker seconded the motion.

**Motion Approved. All Council Members were in favor.**

The meeting adjourned at 8:07p.m.

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Shanna Johnson, City Recorder

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Kevin Jeppsen, Mayor

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Anita Nicholas, Deputy Recorder