

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
November 9, 2023

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Blake Ostler, Council Member Toby Wright, Council Member Dave Walker (arrived at 8:39 p.m.), and Council Member Ashley Young.

OFFICIALS ABSENT:

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Bill Morris, City Attorney
Zach Allen, Public Works Director
Mark Jordan, Police Department
Shanna Johnson, City Recorder

OTHERS PRESENT:

ON-LINE: Nelson Phillips (BENJ)

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. Ordinance 23-K Amending the Subdivision Code

Mr. Barnhill presented this proposed ordinance amendment. This amendment was needed so the city can be in compliance with the new state code adopted by the state legislature. He mentioned as he was reviewing the code, he came across other things that he suggests be updated in the code.

He started explaining the new two-step application process with the changes to the fee schedule. He said we may now track the time spent on the review and bill it to the applicant. He noted that because of that the engineering and design application fee will be removed. He indicated that city staff will be spending more time on these applications to verify that everything meets code. Council Member Wright asked how staff would track their time on reviewing the application and Mr. Barnhill responded that they would create a shared spreadsheet. He also mentioned they have other options on their fees, but this was the method that will bill the developers for the (time) burden they put on the city. Council Member Ostler walked through the application process with the proposed fee plan change as he understood it.

Mr. Barnhill said the section named concept review will be changed to pre-application meeting so it will conform to the wording in state code. He pointed out several areas in that section that will also be updated to match the state code. He expressed the need for creating a Community Development

Director for the Land Use Authority. He said the intent of the state statute was to make these decisions efficient and administrative. He reported that the consensus was for him to be the Community Development Director.

He explained that the state was also putting a time restriction on this process and so the city ordinance needed to reflect this requirement. He said our review shall follow the Utah code for timeline which states that the preliminary application will expire if approval was not obtained within six months of submittal. He touched on the recording of the final plat and the reason for the denial of the subdivision application. A couple things discussed were that the subdividers were to record plat within 2 years and denial will require new submittal. Council Member Ostler pointed out that they want to add that the applicant must submit the plans or information in proper form, or it may be denied.

Mr. Barnhill highlighted the review of submittal subsections and explained the proposed changes were for clarification. He remarked that the final plat was to be signed after escrow had been funded and the improvement agreement signed. He highlighted that the City Engineer and not the City Council will now give the final acceptance to release escrow funds. Council Member Ostler suggested the engineer also should issue the final improvement and infrastructure acceptance. Council Member Tueller commented that they should remember not to give authority for others to watch the standards. He said this since because ultimately the City Council was accountable and will need (to be involved enough) to improve or change it (the process as needed). Mr. Barnhill said it might be a good idea to have joint approvals and signatures. Council Member Ostler noted that if only one person was approving these permits, then issues would not rise to the level of this body (City Council) when and if questionable work was being done. He commented that the City Council would not hear about it unless someone complained about it. Mayor Jeppson reminded them that the Public Works Director was involved in checking the streets (infrastructure) so there will be some type of check and balance through the process.

Mr. Barnhill continued explaining the proposed amendment subsections, which changes include flag lots, underground utilities, and lot line adjustments with a few areas that had changed language for better clarity. He said they need to spend more time and effort up front looking at these applications. He mentioned that he, Mr. Zach Allen, and Mr. Brett Jones will all review them and collaborate together. He suggested they include a review timeline for the developers on their response of the city reviews. Mayor Jeppsen commented that if the state legislature imposes a time constraint on the city, then the city should also require one of the developers.

They discussed a few subdivision scenarios and how the new rules might apply. Then ended the discussion with the decision that two issues need to be addressed. One was the time given before the final plat was recorded and the other was the time the developer may have to respond to the preliminary subdivision application review.

Mr. Barnhill said he had four suggestions after the initial review of this ordinance amendment, and they are as follows:

- 14.02.050 4b – preliminary application should be approved and expires after 1 year unless they submit the final plat application.
- 14.02.050 4c – change subdivider to record the plat and change a typo “not” to “no”.

- 14.02.050 5 – adding in the language that their updates need to come back to the city in the form and substance described in Perry Municipal Code (PMC), Public Works Standards, and Utah Code annotated with the section.
- Statement at the very beginning, in the General Provisions, that our requirements of this title Related to Provisions of the PMC and Related to Public Works Standard are necessary to protect the public health and safety.

MOTION: Council Member Tuller made a motion to approve Ordinance 23-K Amending the Subdivision Code with the notes that were just stated as well as a 60-day requirement for responses to corrections noted in the review process. Council Member Wright seconded the motion.

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

Motion Approved. 4 Yes, 0 No

A. Ordinance 23-L Site Design and Approval Requirements

Mayor Jeppsen asked if there were any objections to tabling this action item. There was none from the council.

Motion Tabled

B. Resolution 2023-22 Amendment to Lodge Lease Agreement

Mr. Barnhill said that the city had already approved and updated the lease agreement for the tenants at the lodge. That amended lease agreement reduced their rental space and took away their breakroom area. The tenants have since requested from their corporate offices that they need this space back. He showed the proposed floor plan and explained changes to get this extra space, which equals a net addition of 180 square feet and increased the lease payment by \$325 per month. He said this resolution was to amend the amended lease agreement and it also included the attached lease agreement 1st amendment. Mr. Morris requested that for clarity we add “shall increase by \$325 for a total lease payment of \$7,325 per month” be added to the amendment.

The council members and Mayor Jeppsen discussed different remodeling possibilities and potential future uses of the lease area. They brainstormed different options they may present the tenants for a remodel. Council Member Ostler pointed out a typo on the Lease Agreement – 1st Amendment page where it should say “Amendment” instead of “Amentsment”. He questioned if Mayor needed to be added to the “be it resolved” section and language regarding exhibit A and it was agreed that the typo will be fixed, but all other wording was correct.

Mr. Barnhill said they might want to say in the motion that “we approve the resolution with the condition that we proposed moving the wall as discussed, so the door does not need to be relocated; but we also approve the resolution and authorize the execution of this amendment even if they go back to the original proposal and do not accept our changes”.

MOTION: Council Member Tuller said so moved. Council Member Wright seconded the motion. Council Member Tuller added with the typo corrections. Council Member Wright agreed to adding the typo corrections. Council Member Tueller said the motion stands.

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

Motion Approved. 4 Yes, 0 No

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

A. Approval of Consent Items

- September 14, 2023 City Council Meeting Minutes
- October 3, 2023 Work Session Meeting Minutes

Ms. Johnson said, as requested by Council Member Walker the September 14, meeting minutes were reviewed and corrected to what was said in the meeting (Council Member Walkers clarifying language will be noted in the October 26th minutes). Council Member Ostler pointed out in the September 14, minutes on line 126 it should be “Works” instead of “Worls” and asked that in the October 3rd minutes we remove the 9:19 marker.

MOTION: Council Member Wright made a motion to approve the minutes with the changes. Council Member Young seconded the motion.

All in Favor

B. Mayor’s Reports

Mayor Jeppsen reported on a meeting he attended for the Wasatch Front Regional Council and Department of Transportation. He mentioned that they are Federally funded and have three major projects; one was for a proposal to have a toll on Big and Little Cottonwood Canyons. The process for this project was to have an Environmental Impact Statement (EIS) to mitigate for the people who cannot afford the toll and the statement study was going to cost \$17 million. He noted these meetings are interesting to attend and hear the reasons and plans for these big projects. He said the other two projects were on Riverdale Road and further down south.

C. Council Reports

Council Member Young commented that she has received public feedback on the (Mountain View) Park and the new owl (playground area). She said a lot of people love it. She also mentioned that Promontory (School) had a ribbon cutting (for their new addition). She said she was told they were going to be adding more playground equipment and that the public was always welcome to use this fenced play area.

D. Staff Comments

Ms. Johnson stated that the Event Center was getting booked and people are excited about it. She mentioned that she sent a draft financial statement then received comments back and that it was now with the auditor. She said they should see the final audited financials in December or January. She reminded everyone that voting was coming up.

Zach Allen said they had a new water pressure valve installed underground on 2700 South Street and Hwy 89. He reported that the cement vault that housed the old regulator was modified and reused. He explained that the flow of water goes from the east and runs downhill to the west of the city. These strategically placed water pressure valves keep the pressure up on the east side of town. He informed them that there was another water pressure valve that will also need to be replaced soon.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

None.

ITEM 7: ADJOURNMENT

MOTION: Council Member Walker proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:41 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder