

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
October 26, 2023

7:06 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, and Council Member Ashley Young (on-line).

OFFICIALS ABSENT:

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

OTHERS PRESENT: Garry Case, Chris Harrild, Serena Cummings

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

B. Appointment – Planning Commission: Marcus Wager

Mayor Jeppsen proposed to the council that they reappoint Marcus Wager to the Planning Commission. He said he has served one term of four years.

MOTION: Council Member Walker made a motion to reappoint Marcus Wager to the Planning Commission. 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

ITEM 3: PRESENTATION

A. New City Hall Art Proposal – Gary Case

Garry Case said he moved to Brigham City in 1968 and is a professional graphic artist. He said he was very happy that Perry City obtained the facility (the Lodge building), and that Council Member Walker contacted him for a painting to display at the (city hall) open house. He congratulated them for getting this facility and the nice job they have done. He then recommended that they hang large paintings in the newly remodeled Lodge building. He gave professional examples of work done by his son around the Logan area to help explain his vision. He mentioned a few other local artists and their work. He commented that when people walk in the new building it needs to scream Perry, so he gave his suggestions on how to design and display artwork throughout the walls of the building. He said he was willing to do a large painting for the city at about one-third of the commission price. He was thinking of a 40" x 80" size of artwork and figured it would be around \$3k - \$4k for all the materials. He said his choice would be to paint the white rock view from Perry to hang on the south wall in the city office lobby.

B. Resolution 2023-22 Fiscal Year 2024 Budget Amendment

Ms. Johnson said this budget amendment showed that they would allocate \$17k to the Sewer Fund: Equipment Supplies & Maintenance to repair the Vactor Truck. She said that Willard City would be responsible for reimbursing us \$5,780 for their portion of the repair. She explained that the Contribution to Fund Balance would be reduced by \$11,220 to make this repair and that the revenues would cover it. She said they would like to add a regular HVAC maintenance contract (\$2,500) for the Public Works building and plan to apply the expense from both the Utility Fund and General Fund accounts and use the \$1,250 from the general fund available cash and \$1,250 from utility fund savings to cover the expense.

She said she added a new capital project account to account for Utah Department of Transportation (UDOT) Highway 89 for improvements. She explained that this account will pay for the engineering and then get fully reimbursed through reimbursements from UDOT. She mentioned that around \$3,000 was spent in the prior year and that she had not added it in the budget so we may get an audit finding she said they might consider the amount non-material, but it came to light that this pass-through money needs to be added to the city's budget. She noted that the \$13,055 amount shown on the budget amendment was the balance for project and needs to be budgeted this fiscal year.

Council Member Tueller mentioned that most of the sewer vac truck issue was because it had not been well maintained. Council Member Ostler asked how old the truck was and Ms. Johnson responded that the truck was purchased in 2011 or 2012. Zach Allen commented that the truck had not been worked on over the years and that not many people have the knowledge (or skills) to work on it, and these types of trucks take a lot of time to fix them. He said half of the quote was parts such as hoses, seals, and the hydraulic which have worn out and the other half was for \$190.00 per hour labor fees. He mentioned that they have a second repair quote they are waiting on.

Mayor Jeppsen said the sewer vac truck fix was not maintenance but a wear and tear repair. He mentioned that when he first came into office, they had an agreement that Perry City would be responsible for making sure the truck got serviced even though Willard City would pay a percentage of the bill. Mr. Allen said they will be having an operational and maintenance training

with staff from Perry City and Willard City who will use this truck in hopes of avoiding large repair costs like this one.

ITEM 4: PUBLIC HEARING

A. Resolution 2023-22 Fiscal Year 2024 Budget Amendment

Public Hearing Opened at 7:38 p.m.

No Comments

Public Hearing Closed at 7:39 p.m.

ITEM 5: ACTION ITEMS (Roll Call Vote)

A. Resolution 2023-22 Fiscal Year 2024 Budget Amendment

MOTION: Council Member Wright made a motion to approve Resolution 2023-22 Fiscal Year 2024 Budget Amendment. 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

B. Perry Springs Preliminary Conservation Subdivision Application; located at approximately 2250 S 1200 W, Parcel #03-157-0142, Applicant: Christopher Harrild

Mr. Barnhill said this was a preliminary conservation subdivision north of Dale Young Nature Park at 1200 W and zoned R1. He said they proposed 52 single family lots and 12 townhome units as allowed by our density map and the total property was approximately 24 acres in size. He said the applicant has gone through the process to delineate the wetland areas. He explained the applicant wants to put aside the wetland and 15% conservation land to get the smaller lot sizes. He showed the proposed plat map with lots and wetland areas, and it also identified a fault line. He mentioned the applicant had made a few changes as recommended by the Planning Commission.

He noted that the Conservation Subdivision process allows for a certain waiver depending upon the situation. He said one particular item is the code that requires them to set up a special assessment for the conservation areas of the property and then turn the property over to the city. He said in this case the applicant has proposed the property be maintained by a Homeowners Association (HOA) and the trails would be open to the public and the Planning Commission was supportive of that idea. He showed the plat map that highlighted the trails and referred to the staff report that included the Planning review comments and a copy of the presentation from the applicant. He said the city engineer, Planning Commission, and staff have gone through a few iterations and updates with the applicant.

He explained what plans the applicant proposed in the conservation land, noting it will be for a gravel trailway and pasture ground with added water-loving plant species as presented on the

slide. He said this was the preliminary review and some of the features will be more focused as they move through the process. He said the Planning Commission said they want to see covenants, conditions, and restrictions (CC&Rs) that spell out the maintenance standards that would be expected.

He compared this conservation subdivision application to a previous conservation subdivision application and the questions that came up in the past with these types of requests. He pointed out that the code was very specific about the conservation land being weed free and was a big concern with a prior applicant. He said this applicant has proposed for the ground to remain pastureland. He said typically pasturelands are full of invasive weeds and was a concern. He said this was an administrative item, but they need to interpret the code and see if the preliminary plans have met the code. He said what the conservation land looks like and how it will be maintained were the main concerns the Planning Commission had with the application.

Mayor Jeppsen inquired about the orange areas being mitigated areas on the plat map and Mr. Barnhill said they were the areas that would have to be mitigated through the Army Corp. Mayor Jeppsen asked if the invasive weeds identified by the state and if there were ways to get rid of it. Mr. Barnhill said he was not an expert but if the Council wants, they could get a professional to walk the area to see what invasive weeds were there. Council Member Tueller said the county has a list of invasive plant species. He said he was also concerned about the change to the ground as the equipment drives across it during construction. Mr. Morris said the developers will have to submit a pollution prevention plan that will be implemented to make sure there will not be debris going into the wetlands. He added that they will want to make sure they work out how the developers will preserve the open conservation areas from the large equipment.

Council Member Walker said he feels this developer has presented a good conservation subdivision plan. He asked if the stream or ditch area was going to be beautified and if they are landscaping or just adding seeds to the area. Mr. Barnhill responded that the stream area was going to remain the same and the extent of the landscaping in the conservation land will be the overseeding and removal of Russian Olive trees (replace with other trees). Council Member Walker was concerned with the water level of the wetland area and who might maintain it in addition he was not comfortable with the conservation area being called predeveloped meadow when it has been impacted by the grassing for several decades and feels this falls short of the intent of the code. He also wants the trail to asphalt since it makes it more accessible to people. He said he also feels the HOA fees are not enough to effectively maintain the conservation areas.

Chris Harrild said he will try to answer their question during his presentation. He pointed out that they are a non-profit organization that allows homeowners to do sweat equity building in lieu of money towards their house. Council Member Tueller asked if the development has planned to build the infrastructure first and then bring in a group of eight homeowners at a time to build their houses. Mr. Harrild responded that they considered all options and doing it all once appears to be best. He noted that they are still waiting on the Army Corp of Engineers to get back with them on the delineation of the wetland areas so he could create a timeline for this project. He gave an example of their program which allows groups of eight homeowners to start building their houses. This group will be given nine months to finish their houses and then the next group of eight will start building their own house and they typically build 24 homes per year. He gave a quick overview of how a person might apply and be able to get into this program and listed several perks to this program such as no down payment and lower interest rate.

Mr. Harrild showed his slide show presentation that had plat maps and he used these to explain the developing plans. He mentioned the plan for the conservation lands will be to leave it as natural as possible but remove the invasive weeds and trees then reseed with native plant and tree species. He explained how the developer interpreted the special assessment area in the code and their reasoning for their decision on it.

Council Member Ostler asked how many lots were yielded from the conventional subdivision. Mr. Harrild responded that he thought it was 58 lots and with the conservation subdivision it would give them 64 lots.

Mr. Harrild said he wanted to discuss permitted uses for the conservation land as it applies to the Perry Springs development. He referred to the city code to help explain their landscape plans for the conservation area. He said he feels if they are going to have a trail the need to improve the area and he presented their landscape plan. He explained why they think a gravel pathway will be better than the asphalt recommended by the city and that this can be used by the public. He then discussed the subdivision road easement and ownership and maintenance of it. He mentioned having the HOA oversee it along with the conservation areas.

He recounted the two recommendations from the Planning Commission to have open public access to the trails and specific maintenance rules to the HOA CC&Rs. He said the developers agreed to the open trail and will plan to adopt the Conservation Land Landscape and Maintenance Plan. Council Member Walker asked for assurances that years later the trail will still be available to the public. Mr. Barnhill responded that conditions would be noted on the plat map and cannot be changed without coming back through the city. Council Member Tueller asked about their tree replacement intent and the landscaping maintenance plan. Mr. Harrild responded that they are planning on replacing the current trees and then discussed their HOA maintenance plans.

Council Member Ostler asked about the larger size 60 feet roads and Mr. Harrild responded that the design worked better for them. Council Member Ostler said he thought the developers had done a good job on the design of this subdivision and the use of the land around the wetlands. He said the city was getting a better deal with this conservation subdivision than a regular built subdivision. Council Member Walker asked to double check how many lots and lot sizes. Council Member Wright responded that the developer had already designated over the required 15% open space so if they have reached the required minimal lot size the amount of lots will not matter.

MOTION: Council Member Tueller made a motion to approve Perry Springs Preliminary Conservation Subdivision located at the stated address. Council Member Wright seconded the motion, Mr. Barnhill asked that motion requires adopting the two recommendations from the Planning Commission; the trails to remain public and ensuring the CC&Rs include the required maintenance standards. This motion also includes a waiver to the (Conservation Subdivision) requirement that the city would own the (conservation area of) the property (instead) and in lieu of that the city would control the easement. Council Member Tueller said his motion stands with those additional comments. Council Member Wright seconded the motion with these amendments.

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

Motion Approved. 4 Yes, 1 No

C. Motion Regarding Garry Case Art Proposal

Council Member Walker asked if the council would be in support of commissioning Garry Case to do a large painting in the cost of \$3,000 to \$4,000. He said this will not be the only artist they use but this request was for one art piece to be done. Mr. Barnhill mentioned this artist has offered the city a large discount on this piece. Council Member Ostler recommended they review the artist ideas and discuss what will be permanent and what will be the local artist rotating artwork and then develop a plan with a budget for this project. The council members expressed their interest in having this artwork done but will need to check the budget. Ms. Johnson said they would need to take it from the Fund Balance and approve a budget amendment before they go forward with this proposal. Council Member Tueller recommended that they get more details such as the size and price of the proposed artwork. Mr. Barnhill mentioned that he liked the view from Perry of White Rock that the artist showed them. Council Member Walker commented that he will get with the artist for more information, come up with a plan for artwork (in the building), and then get with Ms. Johnson on the budget.

Motion Tabled.

D. Ordinance 23-K Amending the Subdivision Code

Mr. Barnhill said they do not need to address this ordinance at this meeting. He explained that one of the ordinances needs to be done by February and Mayor Jeppsen asked for both ordinances (action item D and E) to be tabled.

Motion Tabled

E. Ordinance 23-L Site Design and Approval Requirements

Mayor Jeppsen requested action item D and E to be tabled.

Motion Tabled

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

A. Approval of Consent Items

- September 14, 2023 City Council Work Session Minutes
- October 03, 2023 Work Session Meeting Minutes

Council Member Walker wants us to clarify the comment starting on line 67 to explain the signed agreement states the artwork will be on display and may be called back at any time with two-week's notice but the discussion with the artists was that they would like it displayed for at least a year. Mayor Jeppsen said they will table approving the consent items.

Motion Tabled.

B. Mayor's Reports

Mayor Jeppsen asked when the front office would be moved and operational in the new building. Ms. Johnson said they will be there next Monday or Tuesday. Mayor Jeppsen said he will be moving in his office this weekend and then noted the Police Department was already moved and operating from their new offices. He thanked everyone who made this happen. He pointed out that the Public Works Department helped a lot with the move and thanked them.

C. Council Reports

Council Member Ostler said he thought the open house was super and thanked the staff and everyone involved. He thanked Council Member Tueller for his effort with the dignitary luncheon and said he was grateful to be part of the classy event. Council Member Wright second what Council Member Ostler said. Council Member Tueller said it was exciting to see how many people came out to the open house and the great support for it (the new building). He said at the luncheon he talked to the representatives from the offices of Congressman (Blake) Moore and Senator Mike Lee to explain how the council and the city were fiscally responsible (in buying and remodeling this new city hall building). Mayor Jeppsen mentioned that he also talked to them, but they discussed the golden spike (that's on tour) and that the county and Brigham City were working to get a park for a permanent home for this golden spike (artwork).

D. Staff Comments

Ms. Johnson thanked the council members, staff, and Public Works for all their hard work at the open house.

Mr. Allen commented that the Mountain View Park remodel was complete, and they will soon have a walk through with the contractors. He mentioned there were a few things like a pathway with stairs, benches, and modifications to bathrooms that still need to be done.

Mr. Barnhill said they had an open house for the residents along 1200 W about the trail being built. He said they had a lot of people come and they had a lot of questions. He hopes the city gets a good contractor that will work well with each resident. He then mentioned they recently signed the agreement with Wasatch Front for the Highway 89 study.

E. Planning Commission Report

None.

ITEM 7: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to go out of the public meeting and go into an executive session to discuss the purchase, exchange, lease, or sale of real 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.

Executive Session opened at 9:35 p.m.

MOTION: Council Member Tueller made a motion to exit the executive session and come back into the public meeting. Council Member Walker seconded the motion.

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

Motion Approved. 4 Yes, 0 No, 1 Abstain

Executive Session closed at 10:04 p.m.

ITEM 8: ADJOURNMENT

MOTION: Council Member Walker made a motion to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 10:05 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder